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on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION OF
RACIAL DISCRIMINATION
Thirty-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Ninth periodic report of States parties due in 1989

Addendum

CUBA */

[2 October 1989]

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*/ For the seventh and eighth reports submitted by the Government of Cuba and the summary records of meetings of the Committee at which those reports were considered, see the following documents:

Seventh periodic report - CERD/C/131/Add.4 (CERD/C/SR.759);
Eighth periodic report - CERD/C/158/Add.4 (CERD/C/SR.845 and 846).

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PART 1. GENERAL

1. Pursuant to article 9 of the Convention, and bearing in mind the guidelines laid down by the Committee in document CERD/C/70/Rev.1 of 6 December 1983 together with the general recommendations and resolutions adopted by the Committee, the Republic of Cuba herewith submits its ninth periodic report.

2. The main part of the report again illustrates some of the fundamental precepts of Cuban law, which through their importance and relevance provide proof that Cuba observes and puts into practice the provisions of the Convention, while simultaneously illustrating the rejection by the people and Government of Cuba of any form of racial discrimination. The report also contains a wealth of up-to-date additional data and statistics in reply to questions previously asked by the Committee in the hope that they will as far as possible answer any further queries on the topic.

3. Cuba has continued its determined and active struggle to eliminate any form of racial discrimination that may emerge as a vestige of the old society. Its policy of resolute opposition to any form of discrimination or oppression that restricts the fundamental freedoms of individuals and peoples is well known. Accordingly, in the international sphere Cuba has combated and condemned imperialism, zionism and apartheid as ignominious systems that have made racial discrimination and hatred among peoples a daily practice and State policy.

4. Articles 8, 40, 41 and 42 of the Constitution of the Republic of Cuba established the right of the Cuban people to live and develop in dignity, free from any form of discrimination and to develop their personality in full. The Constitution also guarantees that everyone alike, without distinction as to race, colour, sex, ethnic origin or other condition inherent in human rights, shall enjoy free education, social security, free medical care, sports, culture, recreation and access - according to merit and ability - to all posts, responsibilities and types of employment.

5. The International Convention on the Elimination of All Forms of Racial Discrimination, which was ratified by the Republic of Cuba on 15 February 1972 and published in Gaceta Oficial Ordinaria No. 3/72 thenceforth acquired the force of positive law in Cuba. Accordingly, Cuban courts may invoke the articles of the Convention whenever they deem it appropriate.

6. In addition, the current Penal Code, in accordance with international law, defines offences of a discriminatory nature, including apartheid, which is classified as a crime (art. 120). It also includes a provision to ensure that persons guilty of conduct constituting a violation of international law and crimes against humanity are made to answer before the courts.

7. Thus, national legislation and the international treaties condemning racism, racial discrimination and apartheid ratified by Cuba are mutually complementary and form the necessary legal basis for combating such discriminatory practices and instilling an antipathy to any form of discrimination in the legal and social culture of the nation.

8. Since Cuba's eighth periodic report, a new Penal Code has been adopted as part of the process of decriminalization. Additional acts, decree-laws and decisions in this area have not yet been adopted on account of the short period which has elapsed between the two reports, and because the issue has been dealt with in depth and in a systematic manner in Cuba's domestic legislation.

9. Consequently, this report only examines those aspects of the Penal Code connected with the Convention. In our view, however, the Committee would find it very useful to consult Cuba's seventh and eighth reports, which would complete the overall picture of our country's respect for, and observance of, the provisions of the Convention.

10. The fundamental objectives of the new Penal Code, which was adopted by the National Assembly of People's Power on 29 December 1987, were to decriminalize acts which, by their nature, do not constitute offences in the strict sense of the word and to ensure that the various types of criminal behaviour were punishable by penalties genuinely in keeping with their seriousness.

11. The Government of Cuba attaches considerable importance to offences against the right to equality. Article 349 of the recently abrogated Penal Code stipulated as follows:

> "1. Any person who discriminates against another person or foments or incites discrimination, either through acts or an attitude offensive to his sex, race, colour or national origin or through action to impede or prevent him, on grounds of sex, race, colour or national origin, from exercising or enjoying the rights of equality laid down in the Constitution shall be liable to imprisonment for a term of six months to three years and/or a fine of 200 to 500 times the minimum statutory unit.
>
> "2. Any person who disseminates ideas based on racial superiority or hatred or commits or incites acts of violence against any race or group of persons of another colour or ethnic origin shall be liable to the same penalty".

12. The current Code incorporates virtually all of this text (art. 295), although the maximum applicable sentence is reduced by one year. This does not mean that the offence is now less vigorously punished, but corresponds to the policy of decriminalization to which the Code is directed. In the Code account is taken of the fact that, as a result of the development of awareness among the population, the offence in question is quite uncommon in our society, in which, moreover, equality between blacks and whites is guaranteed by the Constitution.

13. As regards the crime of apartheid, covered by article 128 of the former Code and by article 120 of the current Code, in both cases in the section relating to crimes against international law, the same penalty has been maintained on account of its extreme seriousness and the cruelty and degree of dehumanization that it entails.

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PART 2. INFORMATION CONCERNING ARTICLES 2 TO 7

14. Since August 1974 (CERD/C/R.50/Add.7), Cuba has been submitting reports on the legislative, judicial, administrative or other measures adopted to give effect to the provisions of the Convention.

15. In addition, a number of useful indicators are included to provide the Committee with further information enabling it to assess trends over time, as well as the measures adopted in the country since 1 January 1959.

Article 2

16. Cuba fully complies with article 2 of the Convention on the basis of the principles governing its foreign policy and the undertakings contracted under the international instruments for combating racial discrimination and *apartheid*, which it incorporates into its legislation. It has also supported, and continues to support, the resolutions adopted by the United Nations General Assembly condemning racial discrimination, and especially the policy of *apartheid* in South Africa. It further supports the resolutions of other international organizations and specialized agencies on that subject, as may be seen from previous reports, in which many of these are mentioned.

17. As mentioned earlier, article 41 of the Constitution establishes that any discrimination on grounds of race, colour, sex or national origin is prohibited and is punishable by law. The penalties which apply to persons violating this provision are laid down in article 295 of the Penal Code. Previous reports have shown how socialist legality makes compliance with the law obligatory without exception for all State organs and political and social organizations, and for all public officials and citizens.

18. The strict application of socialist legality has been a constant concern of the Government and forms the solid basis for the Cuban State's efforts to encourage and bring about the major changes under way.

19. To guarantee a high level of legality, the Government of Cuba not only enacts laws as and when necessary, but makes them available to the entire population for information and analysis. This ensures that these laws are in harmony with the moral principles governing the conduct of citizens and helps to educate the population in legal matters.

20. The foregoing results from the constant extension of socialist democracy, which involves large-scale participation by the workers in the process of preparing legislation and running Labour Boards, as well as the people's participation in the work of the People's Power.

21. An effort is under way to raise awareness of legal language, so that the words of prosecuting attorney, lawyer and judge will be persuasive, meaningful and logical and will exert the hoped-for educational influence.

22. The campaign aimed at disseminating legal knowledge has been stepped up in order to convey the meaning and object of the laws, and the principles of humanism and justice on which they are based. Such an approach entails the elimination of vestiges of the past from human psychology and behaviour.

23. It should be added that, with the triumph of the Revolution, a review of all previous legislation was begun with a view to repealing any laws which signified privilege. exploitation, abuse or discrimination. This culminated in the process of institutionalization, of which the Constitution of the Republic is the cornerstone.

24. This activity by the Government of Cuba is in line with the provisions of article 2 (1) (c) of the Convention, which establishes the obligation to review governmental, national and local policies and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination.

25. With regard to what is called "promotion" of sectors of the population, it should be repeated that in Cuba no distinction is made in the struggle for economic, political and social development, which therefore embraces the entire population, without discrimination, in its benefits.

26. This principle is set forth in the Constitution; the principle of equality laid down in chapter V is also implemented in practice.

Article 3

27. As we have stated in earlier reports, Cuba is a party to the 1977 International Convention on the Suppression and Punishment of the Crime of *Apartheid* and has therefore made *apartheid* a serious offence carrying severe penalties, in article 120 of the Penal Code. This abhorrent crime cannot occur in the Republic of Cuba, since racial or any other discrimination is prohibited.

28. Article 12 of the Constitution sets forth the principles of condemnation of imperialism, fascism, colonialism and racism, as part of the determination of the Republic of Cuba to achieve the total elimination of these evils throughout the world, particularly in Africa. At the international level, Cuba extends its support and solidarity to the national liberation movements fighting against racism, racial discrimination and *apartheid* and to the front-line countries exposed to the constant aggression of the South African racists.

29. An expert nominated by the Government of Cuba continues to take part, in a personal capacity, in the Sub-Commission on Prevention of Discrimination and Protection of Minorities, of which he is currently a Vice-Chairman. Cuba thus continues to contribute to the struggle against racial discrimination, racism and *apartheid*.

30. During the period under consideration, Cuba has continued to play an active part in international forums on the question, including the following:

- International Conference on Children, Repression and the Law on *Apartheid* in South Africa;

- International Conference against *Apartheid* in Sport;

- International Conference on Solidarity with the African National Congress (ANC);

- International Scientific Symposium, with a paper entitled "Apartheid, the fundamental cause of the conflict in southern Africa".

31. As a member of the Movement of Non-Aligned Countries, Cuba has unfailingly taken part in all the activities and events organized by the Movement in connection with these topics, especially during the Eighth Conference of Heads of State or Government of Non-Aligned Countries held in Zimbabwe.

32. At the fortieth, forty-first, forty-second and forty-third sessions of the United Nations General Assembly, and particularly in the Third Committee and also in the Commission on Human Rights, the Cuban delegation condemned racial discrimination, racism and apartheid, the situation of minorities in the United States of America, and the violation of human rights in the occupied Arab territories, including Palestine.

33. In accordance with this policy, Cuba has traditionally supported and co-sponsored many resolutions condemning racism, racial discrimination, apartheid and zionism, adopted by the United Nations General Assembly, the Commission on Human Rights and other bodies in the system.

Article 4

34. The implementation of article 4 of the Convention, whose purpose is to avert the formation of organizations encouraging racism and racial discrimination, is in keeping with the Cuban law which punishes those who promote organizations established for unlawful purposes (Penal Code, art. 295). The Constitution enshrines and fully guarantees the principles of equality and justice and the human rights and fundamental freedoms of the individual in harmony with the interests of society as a whole.

35. The Cuban Revolution, which marked the beginning of a phase of national construction and subsequent consolidation of a new social and economic order based on principles of justice and equity, has achieved the de facto elimination of conditions that would give rise to crimes of encouragement or establishment of, or propaganda for, organizations disseminating ideas based on alleged racial superiority.

36. The Associations Act lays down the aims of associations established in Cuba and sets forth regulations concerning them. Should an association be formed in breach of the law or outside the law, it would be punishable under articles 208 and 209 of the Penal Code relating to unlawful associations, assemblies and demonstrations.

37. Article 295 of the new Penal Code establishes the penalty of imprisonment for a term of six months to three years and/or a fine of 200 to 500 times the minimum statutory unit for any person who commits an offence involving discrimination, promotes or incites discrimination, or perpetrates acts which impede or prevent the exercise or enjoyment of the rights of equality on grounds of race, sex, colour or national origin.

38. Article 4 of the Convention may be invoked by the competent organs and courts of the State when taking decisions or giving judgements, because once a treaty has been published in the *Gaceta Oficial de la Republica*, following adoption by the executive and legislative organs, it acquires the force of national law, as is the case with the Convention.

39. National legislation and the international treaties ratified by Cuba which condemn racism, racial discrimination and *apartheid* are mutually complementary and constitute the necessary legal basis for instilling antipathy to any form of discrimination in the legal and social culture of the nation.

Article 5

40. Cuba fully complies with the provisions of article 5 of the Convention, which prohibits all forms of racial discrimination and guarantees the right of everyone, without distinction as to race, colour or national or ethnic origin, to equality before the law, notably in the enjoyment of the rights laid down in subparagraphs (a)-(f) of the article. These rights are guaranteed by a legal system comprising the Constitution and other national legislation, so that all persons enjoy fundamental freedoms and civil, political, economic, social and cultural rights as specified in article 5 of the Convention. Chapters V and VI of the Constitution, entitled "Equality" and "Fundamental rights, duties and guarantees", establish the right of everyone, without distinction as to race, colour, sex or national origin, to equality before the law.

41. Bearing in mind General Recommendation IV adopted by the Committee on 16 August 1973, whereby States parties were invited "to endeavour to include in their reports under article 9 relevant information on the demographic composition of the population", we append the relevant information on the ethnic composition of Cuban society, as published by the State Committee on Statistics, National Census Office.

42. 1981 housing and population census:

Skin colour:

White	66%
Negro	12%
Mestizo	29.9%
Asiatic	0.1%

These figures have varied little in recent years, as is confirmed by a recent survey by the Institute of Statistical Research.

1987

Skin colour

White	67.52%
Negro	11.98%
Mestizo and Asiatic	20.5%

43. State protection against any violation of the rights of the individual - regardless of his racial or ethnic origin - by a public official, private individual or institution - is duly guaranteed by titles IX and X of the Penal Code relating to offences against rights of the individual and offences against labour rights respectively. The right to equality before the courts is covered by the 1977 Judicial System (Organization) Act, articles 1, 4, 12 and, in particular, 13, which provides that "justice shall be dispensed on the basis of the equality of all citizens before the law and the courts".

44. This right is also guaranteed under articles 39, 40, 697 and 698 of the Civil, Administrative and Labour Procedure Act.

45. It should be pointed out, as in the previous report, that the Electoral Act No. 37/82 has been in force in Cuba since 1982, replacing Act No. 1305 of 1976. This new legislation brings together in one legal text the principles and procedures for the electoral system set forth in chapter XI of the Constitution, which provides for equality of rights for all citizens without distinction as to sex or race in both voting and standing for election. In Cuba, all the rights mentioned in paragraphs (d) and (e) of article 5 of the Convention are guaranteed, as explained in previous reports. These rights include the right to own property, the right to marriage and choice of spouse, and equality of rights and duties of spouses with regard to maintenance of the home and upbringing of children, as may be seen from the Family Code, a copy of which has been made available to the secretariat. In addition to Electoral Act No. 37/82 mentioned above, the secretariat has been sent a copy of the Gaceta Oficial of the Republic of Cuba which contains the statues of the National Assembly of People's Power, and gives an idea of the work of the highest legislative body in Cuba and of its powers and duties with regard to the electorate.

46. Cuba has been a member of the International Labour Organisation since its inception and has to date ratified 86 international labour conventions. These conventions include Nos. 87 and 98 concerning trade-union freedom. The implementation of their provisions is therefore guaranteed, as is usual when Cuba signs an international instrument.

Article 6

47. As repeatedly stated in each of the reports submitted to the Committee, in Cuba there has been no need to implement judicial or administrative measures as a consequence of the perpetration of acts of apartheid or any other kind of racial discrimination, because such practices have never emerged in our society. Moreover, the principles of the construction of socialist society and the educational system in force are incompatible with such acts.

48. However, Cuba considers it necessary - and this has been reflected in Cuban legislation - for every person to have legal means of appealing or applying to the authorities should he consider himself to be the victim of acts of racial or any other discrimination, and for legal protection to be provided for the rights of individuals in all aspects of their relations with representatives of the law. In the domestic sphere, the principles embodied in articles 26 and 62 of the Cuban Constitution are of particular importance.

49. As regards the international sphere, Cuba has advocated the identification of persons, organizations, institutions and representatives of States alleged to be responsible for offences provided for in article II of the International Convention on the Supression and Punishment of the Crime of Apartheid.

Article 7

50. The provisions of the Cuban Constitution guarantee full enjoyment of human rights and respect for human dignity by all citizens, including public officials and law-enforcement officials. For example, article 41 establishes that discrimination on any ground is forbidden and that it is the duty of State institutions to educate everyone, from their earliest years, in the principle of equality among human beings.

51. The Penal Code in force since 29 December 1987 punishes the crime of apartheid (art. 120), abuse of authority (art. 139), the arbitrary exercise of rights (art. 136), unlawfully depriving another person of his freedom (art. 279) and discrimination against another person or encouraging or inciting others to so discriminate (art. 295). The Code also prohibits corporal punishment of convicted persons and the use of measures which humiliate them or impair their dignity (art. 30.8), and punishes anyone who violates secrets entrusted to him in a professional capacity (art. 142). As stated earlier, Cuban legislation punishes acts constituting improper behaviour on the part of law-enforcement officials (see also arts. 31 and 106(9) of the current Penal Code).

52. The basic goal of vocational and technical training for all Cuban officials responsible for enforcement of the law and the corresponding discipline is the protection of human rights as an essential component of Cuba's economic, political and social system, in which man and his well-being are the chief justification for the system's existence.

53. Previous reports have contained full explanations of the Cuban educational system and the egalitarian and fair opportunities it provides to all Cubans. Cuba has continued to offer scholarships to nationals from underdeveloped countries, primarily African and Latin American countries, for comprehensive education and training. The following data illustrate the efforts being made by Cuba in this field, which sets Cuba in the forefront of countries with the highest ratio of foreign scholarship-holders in terms of population.

54. Foreign scholarship-holders in Cuba:

Overall total: 24,695.

55. The vast majority of these scholarship-holders are from underdeveloped countries, as is shown by the following figures:

Sub-Saharan Africa	18,075
North Africa and the Middle East	2,119
Asia	321
Latin America and the Caribbean	3,269

These persons are pursuing intermediate, higher-intermediate and higher studies in the country's educational establishments.

FURTHER INFORMATION AND ECONOMIC INDICATORS

Introduction

56. It is a well-known fact that, from its earliest years, the Revolution has devoted its greatest efforts to education, which has been making rapid progress, and there have been significant achievements in the past two years.

57. The school enrolment rate has risen to more than 80 per cent for 5-year-old children, nearly 100 per cent for the 6 to 12 age group, and more than 87 per cent for the 13 to 16 group.

58. There are already more than 46,000 pupils enrolled in special education, in 433 special schools.

59. Primary-school day pupils number 337,800.

60. As regards adult education, the campaign for education through the ninth grade has been a success.

61. Forty-eight higher-education centres are in operation; university enrolments have risen to slightly more than 310,000. Experimentation with advance placement of university students in employment has proved to be positive and useful.

62. Some indicators concerning this sector in 1988:

Total playgroups	1,021
Children enrolled in playgroups	121,718
Mothers benefiting from playgroups	112,201
Total number of primary schools	9,617
Number of scholarship-holders	29,282
Number of day pupils	309,207
Total number of secondary schools	2,148
Number of scholarship-holders	494,951
Number of day pupils	60,360
Higher-education establishments	35
Initial enrolment	262,225
Number of scholarship-holders	61,655
Day pupils	10,024

Culture and sports

63. Progress continues to be made in the area of artistic and literary culture.

64. In 1988, the country had 329 public libraries, 3,200 school libraries, 222 specialized libraries and 70 university libraries.

65. The number of establishments selling books was 311, one for every 33,000 inhabitants. All the towns in the country benefit from this network.

66. Industrial printing capacity has increased, with the introduction of a new reproduction system. More than 5,000 titles were produced for educational centres, and approximately 3,300 for the population, with an annual average of 40 million books.

67. The José Marti foreign-language publishing house, which publishes books by Cuban or foreign authors on topics relating to Cuba, has published more than 80 titles in several languages.

68. The New Latin American Cinema Festivals have become a vigorous and forceful movement. Eloquent testimony to their growing prestige was the ninth festival held in 1988, with the participation of leading figures from the film world in Latin America and the Caribbean, Africa, Asia, Western Europe, the socialist countries and the United States.

69. The Cuban people participated in the festival in large numbers, demonstrating their high cultural level and their capacity to enjoy, evaluate, appreciate and judge cinematographic production.

70. The New Cinema Committee decided to establish a foundation to help develop this activity throughout the hemisphere. In its turn and in conjunction with Cuba, a school was established for the advanced training of film-makers from Latin America and the third world. Its students include young people from three continents.

71. Art galleries have helped encourage the plastic arts movement in Cuba. There were 162 of them in 1988, and they received 5 million visitors. The number of universal art galleries, created through the use of reproductions, increased to 11. These galleries bring large numbers of Cuban people into contact with the most valuable works of the best museums in the world.

72. Cuba has continued successfully to hold the Plastic Arts Biennials, in which more than 20 Latin American countries take part, with more than 2,000 works exhibited.

73. Significant progress has also been made in the area of theatre. There are already 50 theatre groups, 24 of which specialize in theatre for children and young people, and theatre festivals have become more firmly established.

74. The National Ballet Company, the National Dance Company and the National Folklore Group, have confirmed their high standing at the international level. The International Ballet Festivals have proved to be one of the main events of their type.

75. There are 328 public libraries in Cuba, 231 museums, 42 theatres and theatre halls, and 249 cultural centres.

76. With regard to sports, mention should be made of the fact that mass participation in sporting activities, with no racial discrimination whatsoever, increased by more than 40 per cent.

77. Work continued on basic sports facilities, intended for the large-scale practice of sports, particularly in rural areas.

78. The Cuban people have made great progress in the area of sports, and work has continued on creating the conditions for further successes.

Health

79. In the period since the eighth report, continued close attention has been paid to this sector. Results have improved and have been recognized at various international events.

80. The opening of centres such as the Ameijeiras Brothers clinical-surgical hospital, where heart, kidney and other transplants are successfully carried out and the William Soler hospital for cardio-vascular paediatric surgery has made possible the introduction of new developments in the national health system and the advanced training of medical specialists.

81. At the present time, there are 264 hospitals, 421 polyclinics, 254 rural medical centres, 155 dental clinics, 31,229 doctors and 6,134 dentists in Cuba.

82. Some of the most recent major indicators in this sector are listed below:

Birth rate:	18.1 per 1,000 inhabitants
Infant mortality:	11.9 per 1,000 live births
Life expectancy:	74.6 years.

83. Of the numerous initiatives taken in recent years in the field of health, perhaps none will have greater social impact and effects on medical service for the population than the institution known as "the family doctor".

Dissemination

84. Cuba has continued to fulfil its commitment to disseminate and implement the purposes and principles of the Charter of the United Nations, the Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, and other international instruments in this field. These topics have also been the subject of postgraduate and research courses at the University of Havana and the Higher Institute of International Relations.

85. The Cuban people have been kept informed of the major events, conferences and developments relating to the struggle for the elimination of racial discrimination, *apartheid* and zionism through radio, the press and television. Exhibitions have also been organized on the life and struggle of the leaders of the African peoples' national liberation movements.

Other national and international activities

86. During 1987 and 1988 and during the first quarter of 1989, the Republic of Cuba staged various activities to commemorate Africa Day and to express support for the struggle of the national liberation movements. These activities were organized by the Cuban-African Friendship Association, the Cuban Institute for Friendship with Peoples, the Cuban United Nations Association and the Cuban Anti-*Apartheid* Committee.

87. In 1988, the Government of the Republic of Cuba sent messages of support and solidarity on the occasion of the commemorative activities by the Special Committee against *Apartheid*, the International Day of Solidarity with the Struggling People of South Africa and Namibia, and the International Day of Solidarity with South African Political Prisoners, and commemorated, in particular, the seventieth birthday of the African patriot Nelson Mandela and the establishment of the Cuban Anti-*Apartheid* Committee.

88. At the forty-third session of the United Nations General Assembly, Cuba maintained its steadfast support for all resolutions relating to the Second Decade to Combat Racism and Racial Discrimination, the South African Government's policy of *apartheid* and the question of Namibia.

89. In addition, a number of activities were organized at the national level:

- The University of Havana awarded an honorary doctorate to Nelson Mandela on the occasion of his seventieth birthday;

- The Cuban Anti-*Apartheid* Committee was set up in 1987;

- The following meetings and conferences were held:

  Conference on the role of intellectuals in the present-day world;

  International Conference on Children, Repression and the Law on *Apartheid* in South Africa;

  Meeting with leaders of the South African Miners' Union;

  International Conference against *Apartheid* in Sport;

  International Conference on Solidarity with the African National Congress (ANC);

  International Scientific Symposium, which included a paper entitled "*Apartheid*, the fundamental cause of the conflict in southern Africa";

  Commemoration of the "International Day for the Elimination of Racial Discrimination";

  Symposium entitled "The Influence of Nelson Mandela";

  Symposium on the centenary of the abolition of slavery.

90. It should be pointed out that representatives of African countries accredited in Cuba took part in all these activities, together with African scholarship-holders in various provinces.

91. Special mention should be made of the founding of the Cuban Anti-*Apartheid* Committee, which has established the relevant contacts with its counterparts in Europe, Asia, Africa and the Americas, and has played an active role since its inception.

92. Cuba has systematically submitted reports on implementation of the ILO Declaration concerning the Policy of *Apartheid* in South Africa.

Labour policy and social security

93. During the period under review, new forms of labour organization were introduced through the permanent brigades. The proportion of women in the country's labour force has continued to grow and new jobs have been created. The average monthly wage rose to 191 Cuban pesos.

94. Social-security and assistance costs in 1988 amounted to 1,216.3 million Cuban pesos, while the number of beneficiaries was 1,000,082.

Economic growth

95. Between 1981 and 1985 average economic growth was 7.2 per cent.

96. Economic trends during the first two years of the current five-year period have proved even more complex than during the previous period, on account of the worsening of the international economic crisis, fluctuations in the terms of trade (which have become even more unfavourable), and climatic problems which have affected major exports. These factors imposed specific restrictions on the country's development. In 1988, the average rate of growth was 2.1 per cent.

97. It should be pointed out that, in spite of these restrictions, the basic social needs of the population have been met. Thus, between 1985 and 1987, the State budget for housing and commmunity services increased by about 19.8 per cent, while expenditure on education and public health grew by some 8.4 per cent, the capacity of play groups rose by roughly 17.1 per cent, the number of inhabitants per doctor fell from 441 to 366, and the number of dwellings completed by the State rose from 24,195 in 1985 to approximately 30,000 in 1987.

98. Lastly, we would like to mention once again the continuing support given by the Republic of Cuba to activities under the Second United Nations Decade to Combat Racism and Racial Discrimination, particularly its active participation in the seminars organized by the United Nations on community relations committees and their functions, held in Geneva in 1985, and on international assistance and support to peoples and movements struggling against colonialism, racism, racial discrimination and apartheid, held in Cameroon in 1986.

99. Special mention should be made of the internationalist support given to the Angolan people in their struggle against attacks by the racist South African régime. In this connection, mention should also be made of Cuba's satisfactory participation in the quadripartite talks leading to the signing of the tripartite agreements for the implementation of Security Council resolution 435 on the independence of Namibia, and its scrupulous compliance with the commitments entered into under the above agreements.

100. The Cuban authorities are effectively co-operating with UNHCR in the repatriation of 1,500 young Namibian refugees from Cuba. The majority are survivors of the Cassinga massacre, and all of them are pursuing or have completed studies in Cuba.

101. Cuba has systematically submitted reports on implementation of the ILO Declaration concerning the Policy of Apartheid of South Africa.

Annex:

Copy of the Penal Code. **/

**/ A copy of this document, in Spanish, is available in the secretariat for consultation by members of the Committee.

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Thirty-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Ninth periodic reports of States parties due in 1989

Addendum

NETHERLANDS */

[14 December 1989]

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*/ In accordance with the recommendation of the 11th Meeting of States parties to the Convention on 29 April 1987 relating to the periodicity of reporting under article 9 of the Convention, which was endorsed by the Committee on the Elimination of Racial Discrimination at its 827th meeting (thirty-sixth session) on 9 August 1988 (see A/43/18, para. 24 (c)), the present ninth periodic report contains an updating of the eighth periodic report submitted by the Government of the Netherlands, which is pending consideration before the Committee.

For the seventh and eighth periodic reports submitted by the Government of the Netherlands and the summary records of the meetings of the Committee at which those reports were considered, see:

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(CERD/C/SR.766-SR.767 and SR.769);
Eighth periodic report - CERD/C/158/Add.9 (pending consideration)

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Introduction

1. This report should be read in conjuction with the eighth periodic report of the Netherlands (CERD/C/158/Add.9), which is awaiting consideration by the Committee on the Elimination of Racial Discrimination. The present report follows the format of the eighth report and may be considered as updating it. Part A of the report describes developments in legislation, case law and relevant policy measures between 1 January 1987 and the middle of 1989 in the Netherlands. Part B, dealing with the Netherlands Antilles, and part C, dealing with Aruba, will be submitted in due course.

PART A. THE NETHERLANDS

I. GENERAL

Demographic composition

2. The following demographic information should be added to that contained in the eighth periodic report. On 1 January 1989, 623,500 foreign nationals were resident in the Netherlands. This represented 4.2 per cent of the total population of the country (14,395,000). About half of these foreign nationals were either Turks (177,000) or Moroccans (140,000). West Germans (41,000), Britons (37,000), Belgians (23,000), Spaniards (17,500) and Italians (16,000) between them accounted for about one quarter of the foreign population. One in four foreign nationals in the Netherlands was a national of another European Community country (see annex I).

3. As a result of births and net immigration, the number of foreign nationals increased by about 55,500 over the two years 1987-1989. The number of foreign nationals entering the country in 1987 exceeded the number leaving by some 40,000. In 1988, the figure was some 35,000.

4. In 1987, about 27,500 foreign nationals acquired Netherlands citizenship (of whom 19,260 residing in the Netherlands). In 1988, the number was 9,800 (of whom 9,100 residing in the Netherlands).

5. Annex I updates statistics given in previous reports submitted by the Netherlands. It does not, however, provide a complete survey as far as ethnic minorities are concerned, since it states the number of foreign nationals only and excludes those members of ethnic minorities who have Netherlands passports. As Netherlands citizens, these persons are not registered in any way which indicates their ethnic origin.

6. Only the statistics on the number of persons from Suriname, the Netherlands Antilles and Aruba, irrespective of nationality, are fairly accurate. These are based on the registration of the place of birth (of the person him/herself or his/her mother).

7. Ethnic minorities in the Netherlands covered by the official policy on minorities (i.e. both Netherlands and foreign nationals) are defined as follows: Moluccans, residents of Surinamese and Antillean origin, migrant workers and members of their families from the recruitment countries, gipsies, refugees and caravan dwellers. The number of residents of Surinamese origin

was estimated */ at 203,030, and of residents of Antillean/Aruban origin, at 60,759. The total number of persons covered by the policy on minorities is estimated to be some 700,000.

Conflicting civil and political rights

8. The bill to regulate State subsidies to political organizations, which was mentioned in the eighth report (CERD/C/158/Add.9, para. 16), was passed by the Lower House in May 1988 and is now with the Upper House. In passing the bill, the Lower House dropped the provision that payment of a subsidy to an organization should be suspended if the Public Prosecutions Department demanded the prohibition of that organization on the grounds that its aims or activities were incompatible with public order. This was done because it was felt that sanctions prior to a judgement by the courts were not desirable. As an organization which is guilty of racial discrimination may be prohibited on the grounds that its aims or activities are incompatible with public order, article 2, paragraph 1 (b), of the Convention is being complied with through the courts.

9. With regard to the extension of the principle of non-discrimination to relations between citizens, the Equal Opportunities Bill submitted to Parliament by the Government on 25 March 1988 is of relevance. The bill prohibits discrimination on such grounds as race in certain areas where the participation of individuals in society could be seriously hindered by discrimination. The areas concerned are: employment, housing, social services, health care, care of the elderly, education and other public provision of goods and services. In the bill, the prohibition of discrimination is defined as a prohibition of making distinctions except in certain circumstances detailed in the bill. The Government's primary concern in submitting the bill was to obtain a clear picture of the extent to which and the manner in which the principle of non-discrimination was of significance in "horizontal" relationships. The bill is also intended to provide clear definitions of basic rights by indicating the boundaries within which the question whether discrimination is taking place must be assessed. Finally, it is important that the general prohibition of discrimination be translated into practical terms for the Government in the areas covered by the bill.

10. With regard to the relative importance of different basic rights, the bill provides that, in respect of employment relations in organizations, the prohibition of distinctions does not apply to requirements which an organization may reasonably lay down for such relations on the grounds of religious or philosophical principles, having regard to the importance of the principles upon which the organization operates and its purpose and to the position which the person in question holds within the organization, and due respect being paid to his or her privacy. With regard to admission to educational establishments based on religious or philosophical principles, the same criterion applies as far as the importance of the principles and purpose of the establishment are concerned. International obligations are

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*/ Estimates of the Central Bureau of Statistics and the Institute for Social Science and Economic Research.

particularly important in this regard. This means that requirements which make a distinction on grounds of race do not reasonably fall within the category of principles or purposes which are permitted by law. Principles or purposes which discriminate on grounds of race are incompatible with public order and may cause the legal person concerned to be banned and dissolved.

Minorities budget

11. Table 1 below gives recent information on the amounts allocated for the policy on minorities (cf. CERD/C/158/Add.9, table 3).

Table 1. Minorities budget per ministry, 1989

III.	General Affairs	
V.	Foreign Affairs	
VI.	Justice	9 576 000
VII.	Home Affairs	29 240 000
VIII.	Education and science	370 707 000
XI.	Housing, Physical Planning and the Environment	70 600 000
XIII.	Economic Affairs	500 000
XV.	Employment and Social Security	112 047 000
XVI.	Welfare, Health and Cultural Affairs	151 792 000
Total	(in guilders)	744 462 000

Employment policies

12. In addition to the information given in the eighth report, the following applies.

13. The third national multi-year manpower policy plan, covering the period 1990-1994, includes an outline of policy on employment for minorities. The aim is to have provided minorities with the same employment opportunities as for all unemployed persons seeking work by the end of the planning period. To this end, an analysis is to be made in each region of the problems faced by the target group, special attention being paid to young people and women. Objectives for assistance in finding jobs will be formulated on the basis of the analyses. In this way it will be possible to determine to what extent the necessary instruments and services need to be used. For further information on the instruments available, reference should be made to the report on the period 1986-1988 submitted under ILO Convention No. 97 (see annex II).

Employment in the police service

14. In 1988, a positive action plan was started. The plan is based on the principle of encouraging the appointment of more officials of non-Dutch origin to executive positions in the municipal and national police forces and ensuring that such officials remain with the police service. The plan includes such measures as targeted recruitment and selection and increasing the expertise of officials involved in recruitment, selection and training, including special preliminary courses for candidates of non-Dutch origin.

There has been an exchange of ideas with the British Home Office and British police officials. A study has been carried out into the specific problems faced by police officers of non-Dutch origin at work. The results are to be used in training. The chief constables of areas with large minority populations have designated 1990 as Minorities Year, and relations between police and minority groups are to receive additional attention.

15. The origins of candidates for positions with the police are not recorded, but candidates from minorities are eligible for additional facilities if they want them and their superiors agree. The numbers who have made use of such facilities are known. At present 177 officials of non-Dutch origin are employed in executive positions; 112 are following training courses, 7 to become senior officers.

Admission of foreigners to the public service

16. The bill referred to in paragraph 43 of the eighth report abolishing the requirement of Netherlands nationality for certain positions in the public service was submitted to the Lower House on 5 July 1989.

Education

17. Besides the reports referred to in paragraph 51 of the eighth report, the follow-up document, entitled "Intercultural Education Document III", has now been published. It deals with primary, secondary and higher education as well as with the implementation of the principle of intercultural education.

18. The bill on educational priorities referred to in paragraph 54 of the eighth report is not to be submitted to Parliament until 1990.

19. With regard to education in minority languages and culture referred to in the same paragraph 54 of the eighth report, the situation is as follows. The education inspectorate and a research institute have published reports on the design and effects of the teaching of minority languages and cultures. A policy memorandum in which the aims and functions are to be elaborated is being prepared, based partly on these reports and taking into account another report by the Advisory Council for Government Policy and the Advisory Council for Primary Education. Table 2 provides provisional statistics on participation in minority language and culture teaching in primary schools.

20. An Educational Priority Plan is being prepared for the period 1990-1994. Besides the objectives of the Educational Priority Plan 1985-1989, most of which are being retained, the new plan will give particular attention to the learning of a second language by children of non-Dutch origin. The plan will also include the initial results of an evaluation study into the effects of the educational priority policy.

21. With regard to the "white/black schools problem" referred to in paragraph 55 of the eighth report, the following should be noted. Measures such as providing information to the public, and making schools more attractive, have been taken to reduce fears about educational standards and to combat the so-called "white flight". Efforts are being made to ensure that school populations reflect the ethnic composition of the area in which the school is situated.

Table 2. Participation in minority language and culture teaching in primary schools, 1988-1989 */

Nationality	No. of pupils 16/1/88	No. of pupils 16/1/89	Percentage	Teaching places available
Moroccan	23 613	25 132	83	362.7
Turkish	27 968	29 185	83	421.9
Portuguese	597	358	28	8.6
Spanish	992	904	34	14.6
Italian	245	224	9	3.4
South Moluccan	1 825	1 742	37	27.5
Yugoslav (estimate)	675	1 100	38	8.2
Cape Verdean	728	885	43	11.0
Greek	229	273	38	3.0
Tunisian (estimate)	96	111	18	0.7
Total	56 968	59 914		861.6

*/ Provisional estimates at 16 January 1989.

22. More generally, it should be noted that improving the quality of Dutch language teaching to children of a non-Dutch background now occupies a central position in education policy. During the debate on the national budget in 1988, it was promised that 5,000,000 guilders would be made available on a structural basis for this purpose each year. The money will be used to set up a number of reception classes in the 1989/90 academic year for children starting Dutch primary and secondary schools in the middle of their educational careers. This is intended to enable such pupils to reach a suitable standard in Dutch so that they can attend ordinary classes successfully within a short space of time (one year on average). Attention is also being paid to the development of teaching materials and the use of good material which already exists, to special training for teachers, to educational support and to evaluation.

23. In order to monitor the common aims of all these activities and to safeguard their standards and progress, a "Dutch as a Second Language" project group has been set up.

Housing policy

24. In addition to the information given in paragraphs 71-79 of the eighth report, the following applies. Various recent studies on such subjects as minorities, urban renewal and individual rent subsidies, and a report on policies towards persons of non-Dutch origin by the Advisory Council for Government Policy, reveal that the housing situation has improved somewhat for minorities. Progress, however, is so far modest, and gives no grounds for self-satisfaction. Improvements are not the same for all minority groups. There are considerable differences between the two biggest groups, Turks and Moroccans on the one hand and Surinamese and Antilleans on the other; the latter fare better. The policy document, "Public Housing in the Nineties", therefore indicates that housing for minorities will continue to

require attention during the next decade, partly because a considerable growth in the minority population is expected as a result of family reunification and natural growth.

25. In connection with the need for continued attention to housing for minorities, the State Secretary for Housing, Physical Planning and the Environment again sent a circular on the subject to the municipalities in September 1988 (MG 88-33). As in the previous circular, issued in 1983, the principle continues to be that members of ethnic minorities should be housed through the ordinary housing procedures, with no special schemes to assist them. However, the 1983 circular was out of date in some respects, and it was also felt that the Services for Asylum-seekers Scheme of the Ministry of Welfare, Health and Cultural Affairs should be incorporated. Like its predecessor, the new circular emphasizes equal opportunities for all and the principle that all people should be free to live where they wish, so as to avoid minority groups being housed in particular areas only or being forced to live in certain locations to ensure an even distribution.

26. The information given in paragraphs 75-79 of the eighth report continues to apply.

II. INFORMATION RELATING TO ARTICLES 2-7 OF THE CONVENTION

Article 2

27. The bill containing supplementary provisions of the Criminal Code dealing with discrimination is currently before Parliament.

Article 4

28. Between 1 January and 31 December 1987, a total of 63 criminal cases involving articles 137c-137e of the Criminal Code were recorded by the district public prosecutors' offices. Twenty-four resulted in prosecution, 25 were dismissed and in 14 cases a decision is still pending on whether to prosecute.

29. Between 1 January and 31 December 1988, a total of 101 cases involving the said articles were recorded. Fifty-four resulted in prosecution, 30 were dismissed and in 17 cases a decision is still pending on whether to prosecute.

Paragraph (a)

30. A number of provisions concerning prohibited legal persons were amended as planned in the Act of 17 March 1988 (Bulletin of Acts, Orders and Decrees 104), which entered into force on 1 May 1988.

Article 5

31. Between 1 January and 31 December 1987, a total of 11 cases involving article 429 (4) of the Criminal Code were recorded by the district public prosecutors' offices. Four resulted in prosecution, five were dismissed and in two cases a decision is still pending on whether to prosecute.

32. Between 1 January and 31 December 1988, a total of 12 cases involving the said articles were recorded. Two resulted in prosecution, seven were dismissed and in three cases a decision is still pending on whether to prosecute.

Paragraph (e)

33. As in previous years, the National Anti-Racial Discrimination Agency has given priority to combating racism in the labour market. In the last two years, various codes of conduct were established to prevent racial discrimination. The Agency collaborated on a code of conduct for car insurers and a circular to prevent discrimination in the mediation provided by the regional employment offices, as well as in the role of these offices, in dismissal procedures. The code of conduct for employment agencies discussed previously also came into being.

34. The importance of these codes of conduct lies in the fact that they elaborate on the statutory provisions on racial discrimination as they affect a particular area of employment. This creates a greater degree of clarity both for those working in that area and for their clients as regards what is permissible.

35. The report of the National Anti-Racial Discrimination Agency on the indirect discriminatory effect of pscyhological tests has resulted in the Netherlands Institute of Psychology agreeing to adapt the most common tests.

Article 6

36. On 10 August 1988, the Committee adopted the following opinion in the case of Yilmaz-Dogan versus the Netherlands:

> "The Committee on the Elimination of Racial Discrimination, acting under article 14, paragraph 7, of the Convention, is of the opinion that the information as submitted by the parties sustains the claim that the petitioner was not afforded protection in respect of her right to work. The Committee suggests that the State party take this into account and recommends that it ascertain whether the petitioner is now gainfully employed and, if not, that it use its good offices to secure alternative employment for her and/or to provide her with such other relief as may be considered equitable." [1]

37. Following the Committee's recommendation, the Government has sought information about the present position of the petitioner. It was established that, after her dismissal, with the exception of a brief period, the petitioner has been either employed or received social security benefits. In respect the period of unemployment, the Government has agreed to provide for an *ex gratia* payment. The case is thus settled.

1/ *Official Records of the General Assembly, Forty-third Session, Supplement No. 18*, p. 64, annex IV, para. 10.

Article 7

38. In addition to the report referred to in paragraph 106 of the eighth report, two more studies on racial discrimination have now been completed, entitled: "Gevoelige Kwesties; ervaringen vanmigranten met discriminatie" (Sensitive questions; migrants' experiences of discrimination), and "Beter een verre buur ... Racistische voorvallen in buurt en straat" (Better a distant neighbour ... racist incidents on the streets). The findings of the reports are currently being studied.

39. Projects such as those referred to in paragraphs 108 and 109 of the eighth report, which are designed to improve the position of minorities in the prison system through activities involving learning Dutch and learning about Dutch society are being continued.

Annex I

Table 3. Aliens residing in the Netherlands by sex and country of origin, 1 January 1989

Country of origin	Males	Females	Total
Europe	199 891	164 569	364 460
of which:			
Belgium	11 624	11 700	23 324
Germany, Fed. Rep. of	21 722	18 935	40 657
Denmark	547	830	1 377
France	4 122	3 961	8 083
Greece	2 728	1 555	4 283
Ireland	1 809	1 573	3 382
Italy	10 863	5 227	16 090
Yugoslavia	6 580	5 594	12 174
Norway	625	706	1 331
Austria	1 553	1 381	2 934
Poland	1 323	1 787	3 110
Portugal	4 548	3 507	8 055
Spain	10 070	7 369	17 439
Turkey	96 470	80 827	177 297
United Kingdom a/	21 784	15 580	37 364
Sweden	642	849	1 491
Switzerland	943	967	1 910
America	18 174	18 757	36 931
of which:			
Brazil	438	654	1 092
Canada	1 435	1 190	2 625
Chile	1 029	797	1 826
Colombia	556	721	1 277
Suriname	7 625	8 186	15 811
United States of America	5 424	5 294	10 718
Asia	30 667	22 665	53 332
of which:			
China	4 148	3 900	8 048
Philippines	408	1 084	1 492
India	2 337	1 130	3 467
Indonesia	5 019	4 435	9 454
Israel	1 133	627	1 760
Japan	1 854	1 623	3 477
Pakistan	2 733	1 553	4 286
Singapore	653	673	1 326
Sri Lanka	2 010	545	2 555
Viet Nam	3 698	2 682	6 380

Annex I (continued)

Country of origin	Males	Females	Total
Africa	93 366	68 470	161 836
of which:			
Egypt	3 038	423	3 461
Ethiopia	1 688	981	2 669
Ghana	2 927	1 308	4 235
Cape Verde	1 345	989	2 334
Morocco	78 151	61 598	139 749
South Africa	593	478	1 071
Tunisia	1 823	827	2 650
Zaire	910	474	1 384
Oceania	1 359	1 393	2 752
of which:			
Australia	1 039	1 033	2 072
Stateless	2 986	1 240	4 226
TOTAL	346 443	277 094	623 5374

a/ Including Hong Kong.

Annex II

Report of the Netherlands in pursuance of ILO Migrant for Employment Convention 97, (Revised), 1949

In accordance with article 22 of the Constitution of the International Labour Organisation, the Government of the Netherlands reported as follows on the measures taken to give effect to the provisions of the Convention for the period 1 July 1986 to 30 June 1988.

I/III.1. The legal position of foreigners

The text: "A general reassessment takes place of the topic of legislation applicable to foreigners" is still correct. It can be reported with reference to the Aliens Act that the document revising the Act has been debated in the Lower House of Parliament.

2. Admission of foreigners to the public service

The Act prohibiting the appointment of foreigners to the public service was abrogated by Act of 20 April 1988, Bulletin of Acts, Orders and Decrees 88, No. 231, which will come into force at a date to be decided later.

The requirement of a work permit (tewerkstellingsvergunning) for the appointment of these foreigners does not apply in current legislation.

3. Measures/policy on labour market conditions for minority groups

General

The Government voiced its concern about the position of minorities on the labour market in the provisional document on combating unemployment among minority groups. The very high level of unemployment in this category cannot be attributed to one particular cause. A complex of factors are at play such as training, command of language, work experience, discrimination, fewer jobs in industry and the economic recession. Unemployment among minorities needs to be tackled effectively on a number of fronts simultaneously. The Government has asked the Social and Economic Council for a recommendation on the possibilities of promoting the employment of minorities.

Meanwhile the Government intends to inject another 186,000,000 guilders into labour market policy up to 1990 to promote employment. Some of this money is intended to help improve the position of young ethnic groups. The Government has also asked the Scientific Council for Government Policy for practical suggestions on tackling unemployment. The action programme on minority policy for 1990 is intended to provide insight into the main outline of policy in the early nineties.

Manpower services (measures)

Minorities were overrepresented in some of the manpower services schemes.

Minorities are underrepresented in schemes which aim at placement in the business sector. An attempt will be made to adhere to the criterion of proportional representation in schemes of this kind.

A positive effect on the unemployment rate among young unemployed members of minority groups is expected from the nationa-wide introduction of the Youth Development Job scheme ("JOB" for short). Minorities will also have proportional access at least to the Youth Work Guarantee Plan. The aforementioned plan is designed to provide municipalities with openings for employment initiatives whereby the most vulnerable groups on the labour market, including minorities, can gain work experience in combination with training.

The activity "Dutch on the workshop floor" is having reasonable success. In small and medium-sized businesses the scheme is being introduced with difficulty. The local employment office in Utrecht has started tackling the problem with the unions in the region.

"Restart" interviews will be conducted with long-term unemployed people from minority groups to gain insight into the labour market opportunities of job seekers and activities which will have to be undertaken to find work for them. In this connection, reference can be made to the growing co-operation between the municipalities and the local employment offices to help the long-term unemployed who are having difficulty finding work.

Measures to combat discrimination

The local employment offices are being faced more and more with discrimination on the labour market. A recent circular to the local employment offices made it clear what point of view they should adopt in this matter. The circular contains practical guidelines as to how they should act in the event of discrimination in registering vacancies, in providing employment services and in drawing up and terminating contracts of employment.

The National Office to Combat Racism gives priority to fighting discrimination on the labour market because of the immense problems encountered by ethnic minorities in this sector. A code of conduct was drawn up in 1987 to combat discrimination by temporary employment bureaux.

The drawing up of codes of conduct of this kind for other sections of the labour market will be promoted.

IV. See previous reports.

V. See previous reports.

VI. Copies of the present report have been communicated to the following representative organizations of employers and of workers:

- the Netherlands Council of Employers' Federations;
- The Confederation of the Netherlands Trade Union Movement;
- the Federation of Christian Trade Unions in the Netherlands;
- the Trade Union Federation of Middle and Senior Staff Personnel.

The Netherlands Council of Employers' Federations wishes to state that they can agree with the above report.

As yet no other observations have been received.

UNITED
NATIONS

CERD

International Convention
on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Thirty-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Ninth periodic reports of States parties due in 1989

Addendum

NEW ZEALAND */

[19 June 1990]

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*/ The present report constitutes the eighth and ninth periodic reports of New Zealand, due on 22 December 1987 and 22 December 1989 respectively, combined in a single document.

For the sixth and seventh periodic reports submitted by the Government of New Zealand and the summary records of the meetings of the Committee at which those reports were considered, see:

Sixth periodic report - CERD/C/106/Add.10 (CERD/C/SR.652-653);
Seventh periodic report - CERD/C/131/Add.9 (CERD/C/SR.788-789 and SR.791).

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Annex

Annexes to the New Zealand report

Kotahi anoo te kohao	There is only one eye
o te ngira	of the needle
E kuhu ai	Through which pass
- te miro whero	- the red thread
- te miro maa	- the white thread
- te miro pango	- the black thread

(a vision of a bicultural society: Taawhiao,
the Second Maori King, (1858))

Introduction

1. This is New Zealand's Eighth and Ninth Consolidated Periodic Report to the Committee. It deals with the legislative, judicial, administrative or other measures which have been adopted in New Zealand during the period under review and which give effect to the provisions of the Convention.

2. The information contained in this report is set out in accordance with the revised general guidelines adopted by the Committee on 9 April 1980 and the additional guidelines for the implementation of article 7 of the Convention adopted by the Committee on 17 March 1982. An additional section covers developments in the Cook Islands, Niue and Tokelau, to which the obligations accepted by New Zealand under the Convention extend. The report should be read in conjunction with New Zealand's previous reports.

PART I - GENERAL

Government policy and general legal framework

3. The New Zealand Government is committed to the complete elimination of racial discrimination in all its forms. The multi-racial and multi-ethnic composition of New Zealand society demands that no form of discrimination based on colour, religion, race, ethnic or national origin be tolerated. New Zealand law specifically prohibits racial discrimination, and there is strong and active Government commitment to the promotion of racial harmony. Since July 1984 when the Labour Government assumed office, there has been a new impetus to raise and improve the status of the indigenous Maori people in New Zealand society. Emphasis has been placed on encouraging Maori economic development, educational advancement and the greater use of Maori language. There has also been a positive policy of appointing Maori to positions and committees where they can present a Maori point of view and influence policy. Consequently this report includes some detailed information on recent developments related to Maori concerns, in order to illustrate the advances that are being made and the directions in which change is proceeding.

The Treaty of Waitangi

4. The Treaty of Waitangi, which Maori people have long maintained sets out the basis for a harmonious bicultural society, has been brought to the forefront of debate on race relations. Information on the Treaty of Waitangi and the Waitangi Tribunal was included in the Sixth and Seventh New Zealand Periodic Reports.

5. The Treaty has attracted considerable public interest in recent years. It is specifically recognized in a growing number of statutes. Clear examples are the State-Owned Enterprises Act 1986, the Conservation Act 1987, Environment Act 1986, and the Town and Country Planning Act. These legislative measures, which are expanded in more detail in part II of this report, indicate a readiness to accept the Treaty as a document of great importance to both the Maori and non-Maori communities, and to resolve issues arising from alleged breaches of the Treaty on the part of successive governments since 1840.

6. Significantly, a process whereby the principles of the Treaty of Waitangi are being incorporated into the New Zealand legal system has been gathering momentum since the passage of the Waitangi Tribunal Amendment Act. There are a number of cases - for instance, the New Zealand Maori Council v. Attorney-General (referred to in more detail below); the Huakina Development Trust v. The Waikato Valley Authority (concerning water and soil conservation); and the Ngai Tahu Maori Trust Board v. Attorney-General (concerning the Maori Fisheries Act 1983) - which have in the period under review put into effect in the normal court system the principles of the Treaty of Waitangi.

7. The Government's position on the Treaty was set out in a document published late in 1989 entitled Principles for Crown Action on the Treaty of Waitangi (a copy of this is attached as annex 1 and is available for consultation in the Secretariat). The principles enunciated by the Government in that document are consistent with the Treaty and are aimed to help the Government make decisions about matters related to the Treaty (as, for

instance, when the Government is considering recommendations from the Waitangi Tribunal). It should be noted however that Maori reaction to the principles has been mixed.

8. In releasing the document, the Prime Minister noted that the Treaty of Waitangi has the potential to be New Zealand's most powerful unifying symbol. Accordingly, it was his hope that the principles would demonstrate that there was a place for all New Zealanders within the Treaty of Waitangi.

9. The first principle adopted by Government, "the Kawanatanga Principle", recognizes that article I of the Treaty gives expression to the right of the Crown to make laws and to its obligation to govern in accordance with constitutional process. This sovereignty is qualified by the promise to accord the Maori interests specified in article II of the Treaty an appropriate priority. Article II ("the Rangatiratanga Principle") guarantees to iwi Maori (Maori tribes) the control and enjoyment of those resources and taonga (prized possessions) which it is their wish to retain. The preservation of a resource base, restoration of iwi self-management, and the active protection of taonga, both material and cultural, are necessary elements of the Crown's policy of recognizing rangatiratanga.

10. The Third Article of the Treaty, (as noted in the third principle - "the Principle of Equality" adopted by Government), constitutes a guarantee of legal equality between Maori and other citizens of New Zealand. This means that all New Zealand citizens are equal before the law. Under the "Principle of Co-operation", the fourth principle, the Treaty is regarded by the Crown as establishing a fair basis for two peoples in one country. Duality and unity are both significant. Duality implies distinctive cultural development and unity implies common purpose and community. The relationship between community and distinctive development is governed by the requirement of co-operation which is an obligation placed on both parties to the Treaty. Reasonable co-operation can take place only if there is consultation on major issues of common concern and if good faith, balance, and common sense are shown on all sides. The outcome of reasonable co-operation will be partnership.

11. Under the fifth principle articulated by Government, "the Principle of Redress", the Crown accepts a responsibility to provide a process for the resolution of grievances arising from the Treaty. This process may involve courts, the Waitangi Tribunal, or direct negotiations.

12. The role of the Department of Maori Affairs in promoting harmony and partnership between Maori and Pakeha (European) and between Maori and the Crown has been given careful consideration by both the Government and the Maori community in the period under review. This issue has served as a focus for a wide-ranging assessment of relations between the two signatories to the Treaty. The report deals with these matters in some detail.

The Race Relations Act

13. The Race Relations Act of 1971, as amended in 1977 and 1989, continues to provide the legal framework within which the obligations laid down in the Convention are observed in New Zealand. The provisions of the Race Relations Act operate within the same administrative framework as the Human Rights Commission Act 1977, which covers other forms of discrimination. Information on these two Acts has been provided in previous periodic reports.

14. New Zealand's Seventh Periodic Report referred to a complete review of the Human Rights Commission Act and the Race Relations Act which was being undertaken by the respective offices at that time. The Review of the Human Rights Commission Act was completed by the Human Rights Commission in August 1987. The Race Relations Act review conducted by the Office of the Conciliator was completed in July 1988.

15. Both reviews concluded that the legislation serves a useful purpose and is basically sound. However, changes were suggested to improve the scope and effectiveness of both Acts. The Government intends that both reviews should be incorporated into legislation to be introduced in 1990.

16. One of the changes recommended concerned section 9A of the Race Relations Act, which relates to the use of words likely to incite racial disharmony. One particular concern which the Race Relations Conciliator had about this section was that its threshold was set at such a level as to bring trivial complaints within its field of application. Most of the recent complaints, under section 9A, regarding the use of abusive or insulting language had, in fact, been from Pakeha New Zealanders rather than from Maori or ethnic minorities. The nature and sheer volume of these complaints had led the Race Relations Conciliator to recommend a change to that section. Accordingly, section 9A has now been repealed by way of the Race Relations Amendment Act 1989. This has been done in advance of the overall review of the Act which is currently in progress. It is proposed to introduce a new procedure relating to racially insulting language in the revised human rights and race relations legislation currently being prepared. The procedure will raise the threshold at which language comes within it ambit and will give the Conciliator a wider range of powers to deal with complaints. Section 25 of the Race Relations Act - which makes incitement to racial hatred a criminal offence - remains in place in the meantime as a safeguard.

Demographic composition of the New Zealand population

17. The table presented under the heading of "New Zealand Maori Population" in the Seventh Periodic Report to the Committee has been updated using data from the 1986 Census of Population (see Tables 1 and 2 below). Information regarding the Pacific Island Polynesian population has also been incorporated in the tables (see Tables 2, 3 and 4 below).

18. At the 1986 Population Census, 405,309 people, representing one eighth of the total population of New Zealand, claimed they were of Maori descent. Of these people, almost three quarters (295,659) indicated they were solely of Maori origin, as opposed to those of mixed Maori origin, (see Table 3).

19. It can be seen that the Maori population has increased, both in absolute and relative terms, during the period since 1951.

Table 1. New Zealand Maori descent population 1951-1986

Census	Total number	Average annual increase %	Percentage of total New Zealand population
1951	134 842	-	7.0
1961	202 535	4.2	8.4
1971	290 501	3.7	10.1
1981	385 524	2.9	12.1
1986	404 778	8.6	12.4

Source: New Zealand Census of Population and Dwellings, 1986, Birthplaces and Ethnic Origin, Series C, Report 6, Department of Statistics, 1988.

Table 2. New Zealand population by main ethnic groups (1986)

	Total Number	Percentage of total New Zealand population
European descent only	2 651 382	81.2
Maori descent	404 778	12.4
Pacific Island Polynesian descent	125 853	4.0
Other descent	81 270	2.5
TOTAL	3 263 283	100.0

Source: New Zealand Census of Population and Dwellings, 1986, Birthplaces and Ethnic Origin, Series C, Report 6, Department of Statistics, 1988.

Table 3. Total population resident in New Zealand, total New Zealand Maori, total Pacific Island Polynesian, percentage of total population for each group

Census	Total NZ population	% Total	NZ Maori 1/ total	% 2/	NZ Maori total	% 1/	PIP Total	% 2/	PIP total	%
1951	1 939 472	100	115 302	5.94	134 097	6.91	1 684	0.09	3 624	0.19
1961	2 414 984	100	164 473	6.81	201 159	8.33	7 889	0.33	14 340	0.59
1971	2 862 631	100	223 199	7.80	289 887	10.13	32 419	1.13	43 752	1.53
1981	3 175 737	100	273 798	8.62	385 224	12.13	76 739	2.42	93 941	2.96
1986	3 307 084	100	295 659	8.94	405 309	12.26	99 269	3.00	127 906	3.87

1/ For 1986, this category represents persons who indicated that they were solely of the relevant origin. For earlier censuses, a figure has been found as the equivalent to 1986.

2/ For 1986, this category includes persons of that origin with no, one, or two other origins. For earlier censuses, an equivalent has been found.

Pacific Island populations

20. There has also been an increase in New Zealand's Pacific Island Polynesian population both through immigration and through the birth of children who are New Zealanders of Pacific Island descent. This group includes persons of Cook Island, Niuean, Tokelauan, Samoan, Tongan, Tahitian and other Pacific Island Polynesian origin.

Table 4. New Zealand Pacific Island Polynesian descent population 1971-1986

Census	Total number	Average annual increase %	Percentage of total New Zealand population
1971	41 680	-	1.5
1981	93 066	4.1	3.0
1986	125 853	8.5	4.0

Source: New Zealand Census of Population and Dwellings, 1971, 1986 Birthplaces and Ethnic Origin, Department of Statistics, (various).

Immigration

21. A breakdown of immigrants intending permanent or long-term residence in New Zealand for the years ending 31 March 1985, 1986, 1987 and 1988 is set out in Table 5. Except with regard to 1988 (see below), this table excludes New Zealand citizens and residents and gives a clear picture of new residents in New Zealand.

Table 5. Permanent and long-term arrivals

Country of nationality	1985	1986	1987	1988 1/	1989 1/
Australia	3 731	3 258	3 808	3 976	3 432
Canada	352	519	758	608	459
China (People's Republic of)	105	136	227	315	528
Fiji	415	463	755	1 919	2 257
France	76	84	105	82	115
Germany (Federal Republic of)	204	229	315	339	365
Hong Kong	177	153	144	267	767
India	101	123	187	267	303
Indonesia	102	105	127	176	172
Ireland (Republic of)	68	115	151	182	187
Japan	323	389	518	734	1 350
Kampuchea	479	411	294	359	403
Korea (Republic of)	80	130	125	304	330
Laos	96	139	174	161	90
Malaysia	443	346	595	1 009	1 018
Netherlands	581	458	478	608	789
Philippines	76	122	219	230	202
Singapore	110	166	252	373	299
Sri Lanka	81	73	111	177	103
Sweden	25	44	127	131	152
Switzerland	71	101	99	108	107
Tonga	344	228	288	263	312
United Kingdom	2 747	3 372	5 078	6 465	5 430
United States of America	922	879	998	1 152	1 040
Viet Nam	217	186	185	231	249
Western Samoa	1 545	1 590	1 658	1 526	1 694
Others	837	1 064	1 259	25 882	24 080
TOTAL	14 308	14 883	19 035	47 844	46 233

Source: External Migration, 1984-85, 1985-86, 1986-87, 1987-88, 1988-89, Department of Statistics, (various).

1/ For the years ended March 1988 and March 1989, it was not possible to differentiate returning New Zealand residents from other permanent and long-term arrivals, as the question was changed in the immigration arrival card from which these statistics are collected.

PART II - INFORMATION IN RELATION TO ARTICLES 2 TO 7 OF THE CONVENTION

ARTICLE 2

A. Information on the legislative, judicial, administrative or other measures giving effect to article 2, paragraph 1

22. Most of the information contained in New Zealand's Fifth Periodic Report remains applicable. The Race Relations Conciliator's Office remains the chief organization with responsibility for ensuring awareness of and compliance with the 1971 Race Relations Act. New branches of the Race Relations Office were opened in Christchurch in 1986, and in Wellington in 1987.

23. The Race Relations Conciliator's role continues to be supplemented by the Human Rights Commission. The 1977 Act establishing the Commission extended the unlawfulness of racial discrimination to a number of areas not previously covered by the Race Relations Act. In practice the Race Relations Conciliator assumes responsibility for all complaints relating to racial discrimination. However, being a member of the Human Rights Commission, he or she can and does bring such matters to the attention of the full Commission. The Commission itself distributes occasional papers on race relations issues, public documents promoting harmonious race relations, and so forth.

24. The Annual Reports of the Human Rights Commission and the Race Relations Conciliator contain detailed information on their activities and on complaints received. Reports for the years ended 31 March 1986, 1987, 1988 and 1989 are attached as annexes 2, 3, 4 and 5, (available for consultation in the secretariat).

25. As noted in New Zealand's seventh periodic report, a Ministry of Pacific Island Affairs was established on 15 March 1986 to promote the development of Pacific Island people in New Zealand in a way which recognizes and reflects Pacific Island cultural values and aspirations, and to enable full participation by Pacific Island people in New Zealand's social, cultural and economic life. The Ministry's specific objectives are: to help accelerate the closure of the gaps that exist in education, employment, health, housing and economic affairs; and to help foster the transmission of the cultural values deemed important to the identity of the various Pacific Island peoples, and important to the identity of New Zealand as a whole.

26. The Ministry is comprised of a Minister; a 12-member Advisory Council made up of two representatives of each Pacific Island community (Cook Islands, Fiji, Niue, Samoa, Tokelau and Tonga); and a Pacific Island Affairs Unit, with five full time staff in Wellington, which provides policy advice directly to the Minister. A branch office with a staff of three was opened in Auckland in 1988.

27. A primary focus of the Pacific Island Affairs Unit has been on improving channels of communication between Pacific Island people and the Government.

28. The Ministry was set up to provide information and advice, promote new programmes and monitor programmes and policies. It does not itself deliver programmes and takes care not to duplicate existing services or create a large

bureaucracy. The Ministry has developed a comprehensive array of information, advice and new programme promotions. As most programmes and policies of Government touch upon Pacific Island people in New Zealand, the Ministry monitors and reports on these as they affect Pacific Island people. This involves the Ministry working in close harmony with many other government agencies.

29. A full account of the activities of the Ministry of Pacific Island Affairs is contained in the extracts from the annual reports of the Department of Internal Affairs for the years ending March 1987, March 1988 and 1989 attached as annexes 6, 7 and 8, (available for consultation in the secretariat).

Proposed Bill of Rights

30. The proposal for a Bill of Rights for New Zealand has a long history. Indeed, as long ago as 1963 the then Minister of Justice introduced into Parliament a proposed Bill of Rights. More recently, the Government tabled a White Paper on a Bill of Rights in April 1985. This paper included a draft Bill of Rights based on the International Covenant on Civil and Political Rights which would have been entrenched in New Zealand law. It was also proposed to include the Treaty of Waitangi in the Bill of Rights, to affirm it as part of the supreme law of New Zealand, in order to ensure appropriate recognition for Maori as tangata whenua (people of the land).

31. In April 1987 a hui (meeting) sponsored by the New Zealand Maori Council and a Joint Council of Maori Churches resolved, however, that the Bill of Rights should not deal with the Treaty of Waitangi because to do so would have undermined it. This followed a similar expression of opinion at an earlier national hui also on the Treaty. Submissions made subsequently to the Parliamentary Select Committee (referred to in the following paragraph) by Maori were to the same effect: they were opposed to Maori grievances being addressed in the context of constitutional change. They did not want the rights under the Treaty entrenched as supreme law in the Bill of Rights because they felt the Treaty had sufficient mana (authority or prestige) of its own.

32. The White Paper was referred to the Justice and Law Reform Committee (a Parliamentary Select Committee) for consideration. Submissions were sought and received from the public. (A large majority of the submissions received did not, however, favour the proposal for an entrenched Bill of Rights). The Committee presented its final report to the House in October 1988.

33. The Government announced, early in 1989, that it would amend its earlier proposal and introduce a Bill of Rights along the lines recommended by the Justice and Law Reform Select Committee, that is, in the form of an ordinary statute (and without reference to the Treaty of Waitangi). This would mean that New Zealand would have a fully elaborated Bill of Rights as part of the ordinary law of the land but it would not be designated as an entrenched or supreme law. In the future, Parliament as well as the courts could review it. A Bill of Rights Bill in this modified form was introduced into Parliament on 10 October 1989 and referred back to a Select Committee. Submissions on the Bill have been called for.

34. The Bill of Rights, in the form now introduced into Parliament, is intended to serve three primary functions. First, it will provide a set of standards by which the Government will be guided when enacting laws. As such it will serve as a safeguard in that any departure from these principles would be apparent to all. Second, it will be an important step in New Zealand's evolution towards constitutional maturity. Undoubtedly, too, it will be a source of education in that it will provide inspiration about the importance of human rights and the values which underlie them.

The Treaty of Waitangi

35. The important role of the Treaty of Waitangi has been described in earlier periodic reports and comment on it has already been included in Part I of this report. Due to the particular focus on issues related to the Treaty during the period under review, it seems timely to include further background information at this point.

36. The Treaty of Waitangi was signed in 1840 between representative Maori chiefs of different tribes and the British Crown. The Treaty is the fundamental document on relations between the Crown and the tangata whenua. (A copy of the English and Maori texts of the Treaty is included on pages 4-5 of annex 1, available for consultation in the Secretariat).

37. As it was described in a recent paper released by the New Zealand Law Commission:

> "The Treaty (of Waitangi) gave the Crown what it sought; sovereignty and governance over New Zealand. This is a continuing authority and power. What the Maori received in return is likewise ongoing - the continued protection of the rights that the Treaty acknowledged as theirs ..."

38. The Treaty aimed, to some extent, to protect the Maori people from the impact of another culture with different views of society and land ownership. However, the early governments' performances in protecting Maori interests in this regard were uneven - vast areas of land were sold at a low price, for example - and for many years the Treaty was not seen as an instrument that created an equal partnership between the two races in New Zealand.

39. In recent years, a positive and dynamic view of the Treaty has emerged whereby it is seen as a living social contract and the cornerstone of a positive bicultural relationship between the Maori people and other New Zealanders. Accordingly, the Treaty has been given, through the processes of Government, an enhanced status which has in turn led, amongst other things, to a greater awareness of Maori cultural values.

40. In 1987, the Treaty of Waitangi was the subject of one of the most important cases heard before the New Zealand Courts (New Zealand Maori Council v. Attorney-General [1987] 1 NZLR 641: a copy of the Court of Appeal's decision is attached as annex 9 which is available for consultation in the secretariat). The Maori Council had sought to restrain the Crown from transferring certain assets to State-owned enterprises, alleging that this would be in breach of a legislative provision which required the Crown not to act inconsistently with the principles of the Treaty. The Court upheld the Maori Council's case, declaring that the Crown assets could not be transferred

before there was a system in place to ensure that the transfer was consistent with the Treaty's principles. The Court gave directions that safeguards needed to be established and that the Crown and the New Zealand Maori Council should reach an agreement which would be referred back to the Court.

41. The Court of Appeal Judges placed emphasis on the Treaty as a partnership requiring "the utmost good faith" and calling for the partners to act reasonably towards each other. The Court further determined that there were additional obligations on the partners, and that these included:

(a) The active protection of Maori lands and waters by the Crown;

(b) And, in return, loyalty to the Queen and her Government by Maori.

42. The interests at issue in the case have since been settled by agreement between the parties and given legislative form in the Treaty of Waitangi (State Enterprises) Act 1988 which empowers the Waitangi Tribunal to make decisions in relation to land transferred to State enterprises which are binding on the Government. A copy of this Act is attached as Annex 10, (available for consultation in the secretariat).

43. Government policy introduced in 1986 states that "all future legislation referred to Cabinet at the policy approval stage should draw attention to any implications for recognition of the principles of the Treaty of Waitangi."

44. There has been considerable legislation with specific significance for the Treaty of Waitangi. Foremost amongst this is the Treaty of Waitangi Act 1975 which established the Waitangi Tribunal to hear grievances and make recommendations about alleged breaches of the Treaty to the Crown. It provided for claims to be considered from 1975 onward.

45. The Treaty of Waitangi Amendment Act 1985, referred to in New Zealand's Seventh Periodic Report, increased the membership of the Waitangi Tribunal to seven members (four of them Maori) and provided for the backdating of claims to 6 February 1840. This amendment has had far-reaching effects in bringing forward some old and historic claims. Many of these claims had long been frustrated by successive Governments who had declined to accept the Crown's liability, or responsibility, to consider the grievances involved.

46. The Treaty of Waitangi (State Enterprises) Act 1988, referred to above, was enacted to give effect to an agreement between the New Zealand Maori Council and the Crown to protect existing and likely future claims before the Tribunal relating to land at present in Crown ownership.

47. The Treaty of Waitangi Amendment Act 1988 further increased the membership of the Tribunal to 17 members: the Chief Judge of the Maori Land Court and 16 others. The Act removed the requirement for a majority of members to be Maori, providing instead that the ethnic mix of members should reflect the ideal of partnership embodied in the Treaty itself. It also allows the Tribunal to sit in divisions and provides for the Tribunal to refer matters of boundary to the Maori Appellate Court for binding resolution.

48. It is expected that these changes will both speed up the work of the Tribunal, and reduce the heavy burden on the present members.

The Waitangi Tribunal

49. The Waitangi Tribunal is pivotal to the process of resolution of grievances. The structure of the Tribunal as a mechanism for dispute resolution is unique: it is bi-cultural in its membership, reflecting the partnership between the two parties to the Treaty.

50. The Waitangi Tribunal has reported on eight claims on which it has made no recommendations. (There are a number of reasons why the Tribunal does not in certain cases make any recommendations. In some cases the remedies sought from the Government have already been acted upon by the time the Tribunal comes to make its report. In others, the claim has been withdrawn, or was not well founded, or the Tribunal itself decided that it should not make recommendations. As an example of the latter, in reporting on the Mangonui Sewerage claim, the Tribunal found that there seemed to be no better alternative to the proposed scheme. The Tribunal saw this as an instance of a claim requiring the balancing of Maori and Pakeha interests and found that, in its view, Maori interests were not unduly encroached upon). The Tribunal has heard seven claims on which it has made recommendations. By the end of the reporting period, the Tribunal had made 59 specific recommendations with regard to those claims. Of these, 20 have been addressed by Government, 33 are in process and 6 have been rejected.

51. The seven claims on which the Tribunal has made recommendations are:

1. Motuni 1983
2. Kaituna 1984
3. Manukau 1985
4. Te Reo 1986
5. Waiheke 1987
6. Orakei 1987; and
7. Muriwhenua 1986 and 1988.

52. The first three were all in respect of environmental matters and progress has been made on all three claims, albeit rather slowly. The Te Reo claim sought to achieve official status for the Maori language and this was endorsed by the Government with the passing of the Maori Language Act 1987. This gave the Maori language official status in New Zealand and established the Maori Language Commission. As a result of recommendations made in the Waiheke report, Ngati Paoa regained 965 hectares of Waiheke Island on 30 June 1989. Financial assistance of $250,000 was given to help ensure a viable farming operation. Comment with regard to the Orakei claim is included below.

53. The Muriwhenua claim concerned Maori fisheries' rights in an area in the far north of New Zealand known as Muriwhenua and related, too, to certain land matters in the Aupouri Peninsula. The land claim has still to be considered by the Tribunal. Findings have been issued in respect of the fisheries questions only. The Tribunal's views were that the Muriwhenua fishing claim was well-founded and that the Muriwhenua Maori had been prejudiced by the failure of the Crown to honour its Treaty obligations. These issues are referred to in more detail below.

54. The Tribunal's recommendations to the Government are not based simply on its assessment of the validity of the claims put before it. Where it considers that there has been a breach of Maori rights, it seeks to find a basis of conciliation or compromise which will enable the situation to be rectified with the maximum of goodwill and the minimum of economic or other dislocation. This principle is illustrated by a brief description of the nature of one of the Tribunal's major decisions which related to land rights.

55. In November 1987 the Tribunal recommended that ownership of a disputed block of land at Orakei, near the centre of Auckland, New Zealand's major urban centre, should be restored to the original owners, the Ngati Whatua people, and that financial compensation should be paid. Further, housing development assistance should be provided by the Government to enable resettlement of the Ngati Whatua people onto their land. It was also recommended, however, that certain parklands involved in the claim should be retained for public use "for the benefit of Ngati Whatua and the citizens of Auckland". These parks would be vested in the Ngati Whatua as Maori land and would be jointly administered by Ngati Whatua and the Auckland City Council.

56. The New Zealand Government accepted the above recommendations of the Waitangi Tribunal and has acted to implement them. Announcing the Government's decision on the Orakei claim in a joint statement, the Minister of Maori Affairs and the Minister of State-Owned Enterprises said:

> "the decision we have reached will reaffirm the mana and status of Ngati Whatua (tribe) as the tangata whenua (original settlers) of Auckland. It will enable the tribe to rebuild for the future by promoting their economic, social and cultural wellbeing so ensuring their continued presence on their ancestral homeland."

(Annex 11 contains the complete text of the Tribunal's report on the Orakei claim and is available for consultation in the secretariat).

57. As well as claims relating to land and fishing rights, about a quarter of the claims coming before the Tribunal raise problems of concern to the Maori people over pollution by domestic and industrial waste of fishing grounds and traditional shellfish beds. Resolution of such problems is seen increasingly as important to the economic base of the Maori people and the maintenance of their cultural integrity. A list of the Waitangi Tribunal's completed reports to date is attached as annex 12, (available for consultation in the secretariat).

58. In December 1989 the Government set up a "Crown Task Force on Waitangi Issues" to streamline handling of Treaty of Waitangi issues. It comprises a special Standing Committee of Cabinet, convened by the Minister of Justice, which is serviced by a core group of officials chaired by the Head of the Department of the Prime Minister and Cabinet. It has also resulted in strengthened units within the Department of Justice and Ministry of Maori Affairs to deal with Treaty issues. The Task Force's work includes:

(a) Responsibility for developing a clear and consistent policy and legislative framework in respect of Maori interests in natural resources;

(b) Developing the Crown's position in respect of Waitangi Tribunal hearings, direct negotiations and court proceedings bearing on Maori issues;

(c) Ensuring the prompt implementation of negotiated agreements, court judgements and Waitangi Tribunal recommendations which the Government has accepted; and

(d) Monitoring public awareness of Treaty of Waitangi issues.

B. Information on the special and concrete measures taken in the social, economic, cultural and other fields to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms, in accordance with article 2, paragraph 2, of the convention

59. Special and concrete measures have been reported on in previous reports, and many remain relevant. For most of the period under review the overall responsibility for delivery of Government services to Maori people in the social, economic and cultural fields has rested with the Department of Maori Affairs. With the restructuring of the Department, these responsibilities devolved in July 1989 to the new Ministry of Maori Affairs (Manatu Maori) and the Iwi Transition Agency (Te Tira Ahu Iwi). As these represent quite major structural changes for the delivery of services and resources to the Maori people detailed information on the Ministry of Maori Affairs and the Iwi Transition Agency follows.

Restructuring of the Maori Affairs portfolio

60. During 1988 the Government released two policy documents "He Tirohanga Rangapu" (Partnership Perspectives) and "Te Urupare Rangapu" (Partnership Response) setting out its proposals for the restructuring of the Maori Affairs portfolio and stating its principal objectives in the Maori affairs area. These objectives were to:

1. Honour the principles of the Treaty of Waitangi through exercising its powers of government reasonably, and in good faith, so as actively to protect Maori interests specified in the Treaty;

2. Eliminate the gaps which exist between the educational, personal, social, economic and cultural well-being of Maori people and that of the general population, that disadvantage Maori people, and that do not result from individual or cultural preferences;

3. Provide opportunities for Maori people to develop economic activities as a sound base for realizing their aspirations, and in order to promote self-sufficiency and eliminate attitudes of dependency;

4. Deal fairly, justly and expeditiously with breaches of the Treaty of Waitangi and the grievances between the Crown and Maori people which arise out of them;

5. Provide for the Maori language and culture to receive an equitable allocation of resources and a fair opportunity to develop, having regard to the contribution being made by Maori language and culture toward the development of a unique New Zealand identity;

6. Promote decision-making in the machinery of government, in areas of importance to Maori communities, which provide opportunities for Maori people to participate actively, on jointly agreed terms, in such policy formulation and service delivery;

7. Encourage Maori participation in the political process.

61. The Government also proposed a number of steps to empower Maori people to achieve the long-term goals of self-reliance and independence.

62. The restructuring of the Maori Affairs portfolio is designed to give practical effect to the changes the Government considered necessary, following extensive consultation with Maoridom, to give Maori people more say in their own destiny and in the development of the country as a whole. The policy and operational functions of the Department of Maori Affairs have been separated. The new Ministry of Maori Affairs has, from July 1989, assumed the Department's policy role. Its primary function is to ensure that coherent policy advice on Maori issues is available. The Ministry is the only department of State specifically created for, and dedicated to: ensuring that the interests of Maori are seriously considered by decision makers in all economic, legislative and social policy decisions; and working to achieve equality of access for Maori to power and resources, enabling Maori to have autonomy over all areas of their lives. The functions of the Ministry of Maori Affairs are to:

(a) Provide policy advice to the Government;

(b) Advocate policy initiatives and resource needs;

(c) Monitor and advise the Government on the responsiveness of government agencies to Maori issues;

(d) Facilitate contact and discussion between Maori people and government agencies;

(e) Conduct policy-related research.

63. In the consultations over the restructuring process, many Maori people sought the retention of some of the operational activities of the then Department of Maori Affairs. Accordingly, the operational functions of the Department were transferred to the Iwi Transition Agency. This Agency is devoted entirely to the development of the tribal base of the Maori people. It has two key objectives:

(a) The strengthening of the operational base of iwi;

(b) The transfer of the Department's remaining programmes to iwi authorities as soon as possible.

64. The Iwi Transition Agency (ITA) began operating on 1 October 1989. A "sunset clause" in its governing legislation provides for its termination in September 1994. This limitation is seen as providing a means to ensure that ITA's function of strengthening the operational base of iwi is achieved expeditiously.

65. Throughout nearly 150 years of contact by the Maori people with successive Governments, there has been hitherto no proper recognition for the iwi as legitimate structures with which to negotiate or to take responsibility for the development of Maori people. However, within the present reporting period, the Government has become increasingly aware of the strength of the iwi structure and the strong drive within Maoridom for self-management.

The Runanga Iwi Bill

66. Complementing the process of governmental restructuring, legislation is currently before Parliament which will give formal recognition to iwi authorities wishing to deliver programmes to Maori on behalf of Government. The legislation will be permissive rather than directive, and will provide mechanisms by which iwi and taurahere (tribal groups) can be recognized as the official representatives of the people for whom they speak. The achievement of governmental recognition will be dependent on the groups concerned meeting specified criteria.

67. Trust Boards and Tribal Runanga (Councils) are beginning to develop far-reaching plans to strengthen their base and to tackle positively cultural and economic issues. The success in fostering iwi development is reflected in the fact that many tribal groups which have not previously had a Trust Board are now seeking an equivalent body under the Maori Trust Boards Act 1955.

68. The Government is confident that the developments described above will ensure that Maori communities play a greater role in activities affecting Maori development and culture and will highlight the nature of the partnership between Maori people and the Crown, under the Treaty of Waitangi. A fuller account of the role of the Iwi Transition Agency is contained in "Partnership Response" attached as annex 13, (available for consultation in the secretariat).

69. Aside from the dramatic change undergone by the governmental machinery specifically responsible for administering the needs of the Maori community, other government departments and local government organizations have given increased recognition to the need for a Maori perspective. This has seen the introduction throughout the public service of an equal employment opportunities programme and the setting up in a number of departments of special Maori units or advisory groups intended to introduce a Maori perspective into the functioning of the department concerned and to ensure that priority is given to Maori needs within the departments' areas of responsibility.

70. Other government departments, local authorities, and many other institutions and agencies have begun to adopt strategies designed to encourage the participation of Maori and ethnic minority communities in their affairs and to ensure accessibility to, and delivery of, culturally appropriate services. This is indeed a major feature of the developments within New Zealand during the period under review.

Maori electoral representation

71. During the review period there has been debate on the nature of Maori Parliamentary representation. Since 1867 the Maori people have had four separate Maori seats in Parliament. All adult Maori have had the right, since 1975, to choose to vote for these four Maori seats or to vote on the

General Roll. Equally, Maoris may stand for election to Parliament either in a Maori electorate or in a general electorate. In the present Parliament this means that 6 out of the total 97 seats are held by Maori members of Parliament. Given, however, that Maori comprise about 12.0 per cent of New Zealand's total population, it cannot be said that the Maori people have yet achieved a level of Parliamentary representation fully commensurate with their population.

72. A Royal Commission on the Electoral System was set up in 1986: its mandate included consideration of the nature and basis of Maori representation. The Royal Commission's report was released in December 1986 and was then the subject of public consideration and discussion. The report's recommendations concerning Maori representation are set out in annex 14, (available for consultation in the secretariat). Parliament's Electoral Law Select Committee reported on the Royal Commission's findings in December 1988. The Committee's recommendations included the retention of separate Maori seats (with a statutory minimum of four). The Government agreed to the majority of the Committee's recommendations and included appropriate statutory changes in the Electoral Law Reform Bill introduced into Parliament in November 1989. One significant change in the proposed legislation is intended to make the definition of the Maori electoral population fairer. Instead of attributing all unregistered persons to the general electoral population, unregistered Maori people will be attributed to one or other of the two (Maori and General) electoral populations according to the proportion by which Maori do in fact opt for either the Maori or General Roll. This will be of particular relevance to Maori representation should the overall number of parliamentary seats be increased from their existing total.

Economic and social policy and public sector reform

73. Emphasis on social policy and public sector reform, has been a central theme of the present New Zealand Government. Prominent among its guiding principles is a concern to see that policies meet the needs of the people they are designed for; that local communities have strong influence in policy-making and management; and that government departments and agencies are truly responsive to the communities they serve. The setting up by the Government in October 1986 of a Royal Commission on Social Policy, to examine how New Zealand measures up as a fair and just society and to recommend improvements where it falls short, reflects that emphasis. As a specific part of its brief the Royal Commission examined the position of Maori people in New Zealand society and the role of the Treaty of Waitangi. The Royal Commission's findings were released in its report of April 1988. The following publications of the Royal Commission are attached as annexes:

(a) A Fair and Just Society - a guide to the Terms of Reference of the Royal Commission on Social Policy;

(b) The Treaty of Waitangi and Social Policy - which contains a copy of the Treaty, examines its historical background, and describes the social position of Maori people today;

(c) Towards a Fair and Just Society - the summarized version of the five volume Royal Commission report, containing in chapter 3 its findings in respect of the Maori people; (available for consultation in the secretariat as annexes 15, 16 and 17 respectively).

74. Reflecting both the Government's commitment to reforming social policy generally, and the increasing importance of the Treaty of Waitangi in New Zealand society, the effectiveness of policies for Maori economic and social development has also come under review.

Maori economic development

75. It should be noted that the impact of economic restructuring in New Zealand's forestry, coal and freezing industries has been particularly severe amongst Maori communities in the regions of Northland, Waikato, Bay of Plenty, East Coast and Hawkes Bay, where large-scale unemployment has resulted. The former Department of Maori Affairs and the Department of Social Welfare, with other government and social agencies, have been working with the communities concerned to ameliorate these effects. Fuller details are contained in the Annual Reports of the Department of Maori Affairs for the years ending 31 March 1986, 1987 and 1988 attached as annexes 18, 19 and 20. The Reports of the Established Unit (for the Iwi Transition Agency) and Manatu Maori are attached as annex 21. (Annexes 18 to 21 are available for consultation in the secretariat).

76. The Maori Economic Development Commission was established by Cabinet in 1984 following the Hui Taumata (Maori Economic Development Conference) referred to in New Zealand's Seventh Report. It was wound up, after completion of its work, in March 1986. In February 1987, following up one of the Development Commission's recommendations, Cabinet approved the establishment of the Maori Resource Development Corporation. The main objective of this Corporation is to provide management and financial advice, financial packaging and participation in commercially viable Maori enterprises. The Corporation has been set up as a private company with initial funding from the Maori Trustee.

77. It has a paid-up capital of $26 million, $13m contributed by Government, $7m by the Maori Trustee, and $2m each by two commercial companies - Brierley Investments and Fletcher Challenge, and the Development Finance Corporation. In its annual report for the year ending March 1989, the Maori Resource Development Corporation reported a consolidated tax-paid profit after tax of $1.538m.

78. The Corporation is also responsible for administering the Poutama Trust, which was established by a $10m capital grant from the Government. The purpose of the Trust is to foster business training and development for Maori people. The Government also established the MANA Enterprises Scheme (described in more detail below) in order to assist in business development and job creation. The Government has also in the period under review continued to provide investment funding for Maori economic development through the Maori Trustee's resources and through the Department of Maori Affairs's - and now the Iwi Transition Agency's - Rural Lending Vote.

Maori employment and vocational training

79. New Zealand currently faces an unprecedented level of unemployment. While this is a problem that affects all groups in New Zealand, it is particularly acute for Maori. New Zealand labour force statistics for the December 1989 quarter illustrate this situation - Maori comprise 20.3 per cent of the total unemployed labour force; Pacific Islanders are also over-represented, comprising 7.7 per cent of those unemployed.

80. A number of positive actions have been taken to redress this imbalance. During the reporting period the Government operated various schemes designed to improve the access of young Maori people to employment. Various programmes are providing much needed support, both in the creation and expansion of Maori enterprises as well as the provision of relevant training for employment.

Maori ACCESS

81. The Maori ACCESS programme was introduced in January 1987. Under this programme school-leavers, those with job difficulties, and the unskilled undertake training on modules of varying lengths designed to improve both social and work-related skills. To date the Maori ACCESS programme has trained nearly 7,000 people, and more than 55 per cent of these people have moved either into the workforce or on to higher levels of training. As at July 1989 there were 3,019 trainees employed on Maori ACCESS schemes.

Vocational training

82. Vocational training programmes embrace some 25 occupational areas and include approximately 1,000 trainees on either pre-apprenticeship schemes or introductory courses.

83. The Iwi Transition Agency, in conjunction with polytechnic and community colleges, sponsored a Vocational Training Programme which provided assistance to rangatahi (youth) to attain trade vocation, technical and professional skills. Types of courses run included pre-apprentice training, courses in agriculture, promotion of higher education, joint venture training agreements with institutions, and a wide range of professional, technical and employment preparation skills.

84. Maori and Pacific Island youth are also placed directly with employers for a period of training. Wages are subsidized for one year, and at the end of the period of training the trainee is taken onto the employer's staff or is found similar work with another firm.

85. The vocational training courses involved over 1,000 Maori and Pacific Island people in 1986 and nearly 2,000 in 1987, in 1988 and in 1989. The trade, technical and professional skills acquired result in a high number of employment placements upon completion of training.

Tu Tangata university sponsorships

86. The Iwi Transition Agency provides funding to universities to give direct assistance to Maori students who require additional support. More than 150 students were assisted through this programme during 1989. Each university involved in the scheme established its own criteria for the allocation of assistance, which totalled $162,000 in the 1989 academic year.

MANA Enterprises

87. A government-funded business scheme known as MANA Enterprises was introduced at the end of 1985. The aim of the programme was to broaden the Maori economic base through the creation of Maori enterprises and the expansion of existing Maori businesses in order to stimulate employment

opportunities for Maori people. Preference is given to funding labour-intensive enterprises rather than those which have a higher capital cost to labour creation ratio. One hundred and thirty-three projects, realizing 407 full-time jobs (plus additional ancillary and seasonal employment) were funded in the first year of the scheme's operation. The Pacific Island Employment Development Scheme provides similar assistance to the Pacific Island community.

88. In an endeavour to increase the number of Maori and Pacific Islanders in the Public Service, the Department of Maori Affairs, and then its successor the Iwi Transition Agency, has been involved with a recruitment programme that can place a maximum of 600 trainees within its offices and throughout the Public Service. (During the Public Service-wide restructuring, which has led to a substantial reduction in the overall size of the Public Service, numbers of trainees have fallen to 367 as overall recruitment has slowed.) These schemes also aim to increase the representation of Maori and Pacific Islanders at senior levels of responsibility in the Public Service.

The Group Employment Liaison Service (GELS)

89. The Group Employment Liaison Service (GELS) was last mentioned in New Zealand's fifth periodic report (para. 15) which outlined the appointment of specialist officers to liaise between groups in the community and the Department of Labour. In 1989, the GEL's establishment stood at 27 field-workers and 6 Head Office positions.

90. The objective of GELS (which was established in 1982 in response to the recommendations of the Report of the Committee on Gangs) has been to facilitate access to, and the use of, employment and training programmes and services of the various government departments by unemployed people who prefer group work or training situations. Although not specifically cited in its objective, GELS effectively functions to implement the objectives of article 2 (para. 2) of the Convention.

91. First, the majority of GELS clients are unemployed, Maori, male and under 30. As such, in many ways they are severely disadvantaged in the labour market. Secondly, the focus on "group work" provides a work situation which is traditionally Maori, where co-operation and support are key elements.

92. In 1986, GELS was reviewed by a small departmental committee which concluded that the programme was meeting its objectives. GELS has also proved to be a model for other departments involved in providing an out-reach service to clients who do not relate effectively to government departments. The programme currently continues to function effectively.

Maori land development

93. Maori land development continued in the period under review. Over the reporting period considerable difficulties have been encountered throughout the rural sector because of increased interest rates and declining agricultural and horticultural returns. These are expected to have a continuing effect for some time. The major concern for Maori land-owners has been the large Crown interests in land development schemes. Agreement has not been reached for the sale of Crown interests to Maori owners.

94. The development of Maori land resources and the improved utilization of Maori land, continues to be one of the major objectives of the newly established Ministry of Maori Affairs. The majority of development schemes are operated through either Trust of Management Committees or in partnership with government agencies. There is a new emphasis on the handing of development schemes back to owner control.

95. Demand for rural lending finance has remained high in the reporting period as Maori land-owners, both individually and through Trusts and Incorporations, seek finance for new or expanding ventures.

Housing

96. A report called "Fading Expectations, the Crisis in Maori Housing", by Dr. E.M.K. Douglas, was published in June 1986. This report highlighted the great disparity between Maori and non-Maori levels of home ownership and states that the gap continues to widen. In 1987 the Housing Corporation of New Zealand produced its own report, following up the earlier study by Dr. Douglas, entitled "The Housing Circumstances of the Maori People and the Work of the Housing Corporation in Meeting Their Needs". Copies of both reports are attached as annexes 22 and 23. (Available for consultation in the Secretariat.) The National Housing Commission, which reported in March 1988, found severe housing problems among households with children in parts of the Auckland region, many of whom were of Maori and Pacific Island origin. The standard of housing was also found to be low in rural areas, particularly in the Maori communities of Northland, the East Coast and the Bay of Plenty.

97. The Housing Division of the Iwi Transition Agency has consequently focused on developing new policies to establish a partnership between itself and Iwi authorities in the delivery of housing assistance to the Maori community. As a result, new policies reflect the housing needs of the whanau (family), hapu (sub-tribe) and iwi (tribe). Housing loan assistance continued throughout the period under review and is also available for families involved in the maatua whangai programme (see also p. 34 of this report). As part of its work to provide culturally appropriate information and services, the Housing Corporation has also produced a range of informational material printed in English, Maori, Samoan, Tongan, Niuean, Tokelauan and Cook Island Maori; and has translated tenancy bond pamphlets into Maori and Samoan.

98. Other housing initiatives set up by the Government include the following:

(a) In 1985, the Papakainga or lending scheme for land in multiple ownership was established as a pilot programme in Northland and the East Coast. This programme, which allows Maori people to build homes on their ancestral tribal land, has since been extended throughout New Zealand. In the March year to 1988, the Housing Corporation made 90 loans ($4.4 million) and the following year assisted 261 households ($12.7 million);

(b) A "Homestart" policy provides additional assistance to low income families to purchase or build their first home;

(c) Under the Maori Housing Amendment Act 1985, the Board of Maori Affairs may lend to Trust Boards, Incorporations and other Maori Corporate bodies who wish to provide accommodation for low income Maori families;

(d) As a result of a change in policy in 1988, funding is now provided for the construction of kaumatua flats (flats for the elderly) on leasehold land (previously funding was only available if the land was gifted by the local iwi);

(e) The Iwi Transition Agency is in the process of transferring the title to existing and new kaumatua flats to iwi authorities (in accordance with the Government's policy of devolving the management of resources to iwi). The Iwi Transition Agency is also providing loan finance, at concessional rates, for iwi authorities to build new flats. At present some 60 units are being built each year;

(f) In 1987, to mark the International Year for Shelter for the Homeless, the Housing Corporation established a special project to house 10 families who wanted to build on their ancestral land at Hiruharama on the East Coast.

Maori fishing rights

99. The Treaty of Waitangi guaranteed to Maori people the "full, exclusive and undisturbed possession of their ... fisheries ... for so long as they might wish and desire to retain the same in their possession". The nature of Maori fishing rights became an issue of national importance during the period under review. The issue has been vigorously debated within the fishing industry and within society as a whole.

100. Fish and seafood had been a primary food source for the Maori in pre-European times and constituted a major economic activity. The infringement of Maori fishing rights over time and the exploitation of fisheries by non-Maori commercial interests, and in particular the industry-wide system of fish quotas introduced by the Government in 1986, have been a source of grievance for the Maori people. Seafood has also been a significant cultural resource related to the mana (prestige) of the iwi. The importance of fisheries to tribal mana has been at the centre of the Muriwhenua, Manukau, Motunui and Ngai Tahu claims before the Tribunal.

101. Maori claims to ownership and control over their traditional fisheries resources culminated in a claim to the Waitangi Tribunal lodged in 1986 by the five tribes of Muriwhenua in the far north of New Zealand. Part of the Muriwhenua claim was a request for the Tribunal to define their fishing rights under the Treaty of Waitangi. The Tribunal's hearings on the Muriwhenua claim began in December 1986 and continued throughout 1987. The report of the Tribunal, which was generally supportive of the claimants, was published in June 1988 and appears as annex 24 (available for consultation in the Secretariat).

102. During the Tribunal hearings the issue of allocation and use of fish quotas under the Fisheries Amendment Act 1986 emerged. In 1986 the Government had moved to introduce a new system of Individual Transferable Quotas for fishing. These proposals would have conferred an individual tradeable property right in fishing to the holders. The Waitangi Tribunal recommended that the Government should withhold this action until after consideration by the Tribunal of the fisheries part of the Muriwhenua claim, then currently being heard. In its view, the issue of quota infringed article II of the Treaty.

103. The Tribunal's recommendation was not accepted by the Government and, accordingly, in September 1987, the Muriwhenua Incorporation successfully petitioned the High Court for an interim injunction to restrain the Minister of Fisheries from issuing Individual Transferable Quotas within their tribal waters. This petition was followed closely by further - also successful - petitions on behalf of other claimants. Eventually, an interim agreement was reached in November 1987 that the Government, the Ngai Tahu, Muriwhenua and Tainui iwi and the New Zealand Maori Council would set up a joint working party, with four Maori members and four Crown members.

104. The Joint Working Party released separate reports - one from the Maori members and one from the Crown's representatives. While the reports contained many points of agreement, there were also many points in dispute. The Government then sought to negotiate directly with the Maori members. That eventually led in September 1988 to the introduction in Parliament, and subsequent referral to a select committee, of a Maori Fisheries Bill. It quickly became clear that this Bill would not be seen as a satisfactory solution either by Maori or the New Zealand fishing industry. Accordingly, the Deputy Prime Minister outlined in October 1988 a proposal for an interim settlement of the Maori fisheries question, which transformed the previous settlement plans contained in the Bill before Parliament. This proposal limited the amount of quota to be handed over to iwi to 10 per cent over four years and included guarantees that present Maori fishing rights would be unaffected.

105. In April 1989 the Select Committee released - for the purpose of inviting further comment - a submission prepared by a Crown working party. In September 1989 the Select Committee delivered an interim report to Parliament. Its report proposed many amendments to the Bill as it had originally been introduced. In December 1989, after almost two years of negotiations between the Maori Fisheries Working Party and the Crown, the Maori Fisheries Act was passed. The Act establishes an autonomous Maori Fisheries Commission of seven people. Its primary functions are:

(a) To receive the 10 per cent of fishing quota which, under the terms of the Act, is to be transferred from the Crown to Maori;

(b) To receive the $10 million establishment grant for Maori fishing;

(c) To get Maori into the business of fishing.

106. The Act allows for quota to transfer at two and one half per cent per annum over four years. It permits half of the quota to be retained by the Commission's company (Aotearoa Fisheries Limited) to be fished by the company as a commercial enterprise. The Act also gives the Commission a wide brief to train Maori, lend money to Maori fishing enterprises and to encourage Maori to be involved in all levels of the fishing industry.

107. The Maori Fisheries Act is a substantial breakthrough for Maori in sharing resources with the Crown, consistent with the principles of the Treaty of Waitangi.

Conservation and environment

108. The establishment of the Department of Conservation and the Ministry for the Environment during the period under review was a product of the wide reform of environmental administration in New Zealand recently undertaken.

109. The Department of Conservation was formally established on 1 April 1987 to give effect to the Conservation Act 1987. The Department's overall mission is to conserve the natural and historic resource heritage of New Zealand in order to safeguard the options of future generations. The Department has amongst its statutory obligations the duty to give effect to the principles of the Treaty of Waitangi as they relate to conservation. In order to realize this objective, the Department has, at the regional level, developed liaison networks with local iwi and hapu (sub-tribes). A variety of arrangements have been entered into to provide regional managers with access to Maori advice and perspectives on particular issues.

110. A bicultural development programme has been designed to train senior managers and will be extended throughout the Department. Content includes New Zealand history from a Maori viewpoint, the Treaty of Waitangi, Tikanga Maori (traditions and customs), communicatin and Maori cultural values, characteristics and perspectives.

111. The Conservation Department and the Historic Places Trust have reviewed the New Zealand Historic Places Act in order, among other things, to develop legislation intended to give additional protection to the "wahi tapu" (sacred sites) of the Maori people. This review began in December 1988 with the publication of a discussion document inviting submissions. Based on this response, the Review Working Group presented its report in June 1989 and its recommendations have been approved by Government to form the basis of legislation to go before Parliament. It was recognized that there were serious deficiencies in the approach to Maori heritage values, under the system set up in 1954, as many sites of considerable Maori significance were unable to be protected under the existing legislation. The Working Group proposed:

(a) Extending the scope of legislation to provide protection for areas of cultural significance;

(b) Giving a greater decision-making role to tangata whenua - including, at iwi level, the final determination for protection of sites on Maori land;

(c) The replacement of the Maori Advisory Committee with a statutory Maori Heritage Committee which would determine, and have responsibility for, those sites of Maori significance (subject to the final responsibility of the Historic Places Trust Board).

112. Aside from the question of general legislation, the Government has now made provision for the protection of wahi tapu on Crown land. All Crown agencies responsible for the management and disposal of Crown land must follow a procedure (prior to disposal of any land) in order that wahi tapu be protected. In addition, some wahi tapu on Crown lands have already been returned to Maori ownership or trusteeship.

113. The Ministry for the Environment was formally established on 1 December 1986 to give effect to the Environment Act 1986. The Ministry's key role is to provide policy advice to the Government on the management of natural and physical resources. The Ministry, like the Department of Conservation, has a statutory obligation to give effect to the Treaty of Waitangi.

114. A Maori Secretariat, Maruwhenua, was set up in late 1987 within the Ministry of the Environment to ensure a bicultural approach to environmental issues. Specific projects undertaken by Maruwhenua include a study of Maori rights to geothermal resources; an analysis of traditional Maori ownership and present ownership régimes with regard to mineral resources; the protection to be accorded wahi tapu; and the implications of the Treaty of Waitangi with regard to minerals. The Secretariat is also involved in networking to establish contact with Maori communities to elicit their concerns and priorities. The Ministry holds language and culture training sessions on a regular basis to enable staff to participate in Maori ceremonies with appropriate sensitivity and cultural understanding.

Tourism Taskforce

115. A Maori Tourism Taskforce was set up in 1986, as a result of a Maori Tourism Hui held in October 1985, at the request of the Minister of Maori Affairs. The Taskforce presented its report to the Minister of Maori Affairs in 1987. Its recommendations encompassed strategies to break down the barriers which impede Maori entering the tourism industry and to allow for future social and economic development as a result of their operational involvement in tourism.

116. June 1988 saw the recommendation for the establishment of a Maori Tourism Association (MTA) come to fruition through joint funding from both the Department of Maori Affairs and the New Zealand Tourist and Publicity Department (NZTP). The MTA has a position on the New Zealand Tourism Council and the New Zealand Tourist Industry Federation and is now well placed to examine some of the other recommendations of the Taskforce Report.

117. In conjunction with the MTA, the NZTP established the Maori Liaison Unit in late 1988. Its major task is to liaise with the MTA and the wider Maori community. It is intended that the Unit work alongside the MTA in developing a role for iwi in tourism.

Maori social and community development

118. The legislative basis for community development programmes is the Maori Community Development Act 1962. The programmes are designed to give effect to the philosophy of tu tangata: to stand tall, to stand up for oneself. The programmes are intended to meet Maori needs on Maori terms by promoting the development of the Maori community and mobilizing the peoples' own resources - their human talent, traditional institutions and cultural values. A background note on the Maori Community Services Programme is attached as annex 25 (available for consultation in the Secretariat).

119. Kokiri (community) centres, referred to in the seventh periodic report, continue to operate on this concept of community involvement and participation. Kokiri centres were set up with building grants from the former Department of Maori Affairs and are run by independent executive management committees. Employment and training schemes subsidized by the Department of Labour are established and administered by the Maori community around the kokiri centre.

120. In 1989 approximately 80 kokiri centres provided a base for a range of activities such as skills training programmes, kohanga reo, maatua whangai (see below) and cultural development programmes. The most important component contributing to the success of kokiri centres has been the use of Maori cultural methodology as an integral part of kokiri planning. Their success on this basis further emphasizes the urgent need to ensure a full Maori methodology is brought into the delivery of other services.

121. The maatua whangai programme, jointly funded by the Departments of Justice, Social Welfare and Maori Affairs, was introduced in 1983 as a means of preventing the flow of "at risk" young Maori into penal institutions by directing them to the care of their whanau and iwi. A programme review of maatua whangai was undertaken by the three Departments in 1986, which resulted in the programme being refocused to reinforce the tribal and whanau structures on which the programme was based.

122. This review reiterated the basic principle that either "at risk" or institutionalized Maori people should continue to be place in the care of whanau, hapu and iwi as a practical alternative to institutionalization.

123. Twenty-four tribal authorities have been identified to co-ordinate whanau and hapu networks in their areas and to promote positive community involvement in the placement and rehabilitation of Maori people at risk.

124. The Department of Justice published in February 1987 a paper entitled "The Maori and the Criminal Justice System: A New Perspective - He Whaipaanga Hou". This paper is the first stage in a project to develop a Maori conceptual framework for research into Maori views on the justice system. It has resulted in further consultation within the Maori community.

125. Recently calls have been made for the establishment of a separate Maori justice system. In part, this is a reflection of concern at the disproportionate numbers of Maori in penal institutions. However, the Government has stated that the concept of a dual system is contrary to the principle, enshrined in the Treaty of Waitangi, that all New Zealanders are equal under the law. Instead, then, the ideal to be worked towards is that of a culturally sensitive common legal system - a legal system that demonstrates that one law can accommodate the needs of more than one culture. It is for this reason that the Government has supported such initiatives as maatua whangai.

The Children, Young Persons and Their Families Act 1989

126. This Act, of general application, is a thorough revision of the Children and Young Person's Act 1974, and is based on extensive consultation with Maori and Pacific Island groups in New Zealand. Its major new features include the requirement for both care and protection, and youth justice matters to be

considered by statutory family group conferences in an attempt to resolve matters before they proceed to formal court processes. The Act places a strong emphasis on seeking solutions within family groups, and within local communities. Explicit recognition is given to iwi who are entitled to provide services and exercise powers under the Act, which formerly were the preserve of the Director-General of Social Welfare. There is an emphasis on the participation of a child's or young person's family or tribal group in decision-making. The Government has provided additional resources to fund the new processes under the Act, and to fund services provided by community groups and individuals in relation to the Act.

A Maori perspective for the Social Welfare Department

127. The Report of the Ministerial Advisory Committee on a Maori Perspective for the Department of Social Welfare was presented in 1986. The report, known as Puao-te-Ata-tu (Daybreak), highlighted concerns that Maori perspectives in the Social Welfare system had been ignored in both legislation and practice. The report emphasized the Department's intention to improve its overall service to clients through greater community participation.

128. Of particular interest is the subsequent establishment of Residence Management Committees and of a Social Welfare Commission, both of which allow community, and particularly Maori, input into the overseeing of the Department's operations - including funding, planning and policy development. Other recommendations which have been implemented give greater recognition to Maori family and social relationships with regard to decisions made in the area of eligibility for income maintenance.

129. Another outcome of Puao-te-Ata-tu has been the revision of definitions relating to recipients of the Orphan's Benefit in order to allow those children whose parents are not able to provide responsible care also to receive assistance. This makes provision for supplementary assistance to the extended family or whanau.

130. Other significant measures arising from Puao-te-Ata-tu include:

(a) The establishment of District Executive Committees to provide a forum for Maori input into district Social Welfare office operations. This forum allows for iwi to be consulted on matters such as departmental staff recruitment and the introduction of a Maori perspective into the work place;

(b) The establishment in 1987 of a Cultural Development Unit in the Department's head office with the responsibility to promote and assist the implementation of both the spirit and the recommendations of Puao-te-Ata-tu;

(c) The moving away from institutional care of pre-adolescent children in favour of alternative community and iwi-based programmes, a trend also reflected in the Department's policy on maatua whangai where it is seeking to decrease its direct involvement by delegating such responsibility to the iwi;

(d) The promotion of cultural awareness of departmental staff by adapting recruitment, appointment and training policies to reflect biculturalism. At the same time the Department has widened its frame of reference to include kaumatua (elders) and cultural advisers, thereby enabling the Department to become more sensitive to Maori needs and aspirations.

131. The Department of Social Welfare has also established service programmes for refugees and Pacific Island people, namely the "Refugee Services Programme" and the "Pacific Island Peoples Development Programme", both aimed at developing appropriate social welfare services for refugee and Pacific Island immigrants. The Department is also convening an Interdepartmental Committee on Social Services Policy to investigate and report to the Government's Social Equity Committee on the development of a comprehensive social service policy for immigrants and refugees.

Health

132. According to Maori tradition, health is seen in a holistic way, encompassing not only the physical, mental and spiritual state, but also the whanau. An understanding of the social, spiritual and cultural responsibilities of the whanau, and the practice of these responsibilities, gave confidence and self-esteem, and thus contributed to good health. Access to tribal healing and traditional Maori herbal medicines was important. Although New Zealand was one of the first countries in the world to establish publicly-funded health, education and social welfare systems, statistics show that Maori health standards are still below that of other New Zealanders. A report prepared by the Department of Health on Maori health, "Hauora", shows that in many areas the health of Maori people is improving faster than that of non-Maori. However, that improvement has been made on a poor base figure; in most cases non-Maori health status is still better.

133. The New Zealand Government has accepted that Maori people have a right to culturally appropriate services funded through the health system. A Standing Committee on Maori Health, set up in 1986, issued a number of challenges to the future development of a bicultural (and eventually a multicultural) health system in New Zealand. The Committee argued for a greater involvement on the part of iwi authorities, greater resourcing of these authorities, more Maori involvement in the delivery of health services, the recognition of both Western and traditional approaches to health, and a bicultural perspective to the training of all health professionals.

134. Some initiatives are already under way (funded primarily by local area health boards, the Department of Health and Maori iwi). These include the establishment of marae-based health centres and the employment of Maori community health workers and Maori health workers and Maori health liaison officers. In 1986 a Maori health promotion programme, Te Atawai, was introduced. This is aimed in particular at families, kohanga reo (language nests) parents and marae groups. It is based on traditional, holistic Maori health practices and includes such aspects as education on healthy eating habits. The Waiora initiative, referred to in the seventh periodic report, continues in place. This is a community-based programme to promote recognition for Maori concepts of health which aims to secure support, services and resources for Maori community health programmes. A new Ministerial Advisory Committee on Maori Health has been formed, which met for the first time in 1989.

135. Another significant initiative relating to the promotion of Maori health concerned the introduction of a Hepatitis B immunization campaign. The prevalence of Hepatitis B, which has been shown to have affected Maori communities disproportionately, is being tackled on a unique scale by world

standards. In July 1987 the Government announced that the Hepatitis B immunization campaign would be extended, free of charge, to all new-born babies and children aged up to five years in New Zealand.

136. During the period under review the former Department of Maori Affairs contributed to a wide range of Maori health programmes. It has worked through other agencies such as the Maori Women's Welfare League, Te Kohanga Reo, the maatua whangai scheme, and even the Maori housing scheme, which have all had a health dimension built into their work. The Department also supported the Maori Health Nurses Association in their work and it has worked with the Health Department in its Hepatitis B immunization programme. The Department's functions have now been assumed by the Iwi Transition Agency.

137. Two papers covering the Maori health issues raised in the above section - "Tribal Authorities as Advocates for Maori Health" published by the Maori Health Board in 1987, and "The Tangata Whenua: Maori People and Their Health" published by Lorna Dyall - are contained in annexes 26 and 27 (available for consultation in the Secretariat).

Education

138. The disparity between the educational achievement of Maori and non-Maori continues to be of major concern, and one which must be much more effectively addressed. In accordance with this concern, the Maori Affairs Select Committee began an inquiry into Maori education in September 1989. The Committee has produced terms of reference and is still hearing submissions from interested parties.

139. Te Kohanga Reo has been the outstanding programme in Maori education. A kohanga reo is a whanau/family group catering for children under five years old, where a deliberate effort is made to create a Maori cultural and linguistic environment. In the kohanga reo setting, Maori language, values and customs are naturally acquired by children from the kaumatua and whanau members. Through the example of the whanau, the children learn aroha (love, compassion), manaakitanga (caring, hospitality) whanaungatanga (family responsibilities) and are taught traditional knowledge, crafts and customs, all through the medium of Maori language. Successful kohanga reo naturally become centres of community interest and activity, and for the sharing of information and knowledge throughout the Maori community.

140. Over 100 new kohanga reo were established during the period under review, bringing the total in 1989 to more than 530. There are over 10,000 children and 3,500 kaumatua (elders) and whanau (family members) involved in the daily operations. Training schemes for kaitiaki (supervisors) are being further consolidated and extended. In addition, the National Te Kohanga Reo Trust has pioneered a computer programme operating a voice synthesizer for teaching and learning the Maori language. A scheme to record the knowledge of kaumatua for future generations also provides an opportunity for young Maori people to learn video recording skills. Many kohanga reo centres are equipped with computer and video equipment in order to enhance Maori language development.

141. A detailed report on measures taken in the education field, including further comment on the kohanga reo programme, is contained in the section below dealing with article 7.

The Maori language

142. New legislation dealing with Te Reo Maori (the Maori language), mentioned in New Zealand's seventh periodic report, was enacted in 1987. This gives official recognition to one of the Maori people's most precious taonga (treasures), referred to in the Treaty of Waitangi.

143. The Maori Language Act 1987:

1. Recognizes the Crown's undertaking, by virtue of the Treaty of Waitangi, to guarantee to the Maori people their own language;
2. Declares Maori to be an official language of New Zealand;
3. Confers upon a wide range of interested parties the right to speak Maori in legal proceedings - whether or not they are able to understand or communicate in English or any other language. (This is in contrast with the previous situation, which still applies to speakers of other languages, by virtue of which it was a matter of natural justice whether the presiding officer allowed a party to use his or her own language. This usually implied that if the party was able to communicate in English, he or she was required to do so);
4. Establishes Te Taura Whiri I Te Reo Maori (the Maori Language Commission), whose basic function is to promote the Maori language.

144. The Maori Language Commission's work is diverse. It aims, in particular, to encourage Maori who are fluent speakers of the language to pass on their knowledge to younger people, since without that direct link the language will be lost. The Commission also encourages various public service organizations to offer services in the Maori language. The Commission provides considerable support, guidance and advice in this respect. It has also taken an active part in the preparation of a document calling upon the Government to establish a comprehensive national languages policy. More detail on the work of the Maori Language Commission is included in its Annual Reports for 1988 and 1989. These appear as annexes 28 and 29 (available for consultation in the Secretariat).

145. The Standing Orders of Parliament will also be changed to recognize that a Member of Parliament may speak in Maori or English, and the Speaker of the House can order Bills, petitions and papers to be translated into Maori.

Public service recruitment: Tikanga Maori

146. Since the 1982 Waahi Conference, referred to in the sixth and seventh periodic reports, regional conferences have been held for Maori public servants nationwide to establish a network of intratribal and interdepartmental support, and to foster a sense of unity and whanau among Maori workers in the Government sector. As a result of the Tikanga Maori Programme (a series of courses promoting cross-cultural awareness), initiatives were taken to promote a greater cultural sensitivity both within the State Services Commission (the central policy body for the Public Service) and the wider Public Service.

147. The State Services Commission has formulated guidelines on appropriate ways in which biculturalism should be defined and implemented in the Public Service. Specifically, these guidelines encourage the use of Maori practice at meetings where business is conducted with largely Maori groups and encourage, too, consultation with Maori staff about Maori matters, language training, and the provision of support for Maori staff. The State Services Commission, in consultation with the Maori Language Commission, also encourages departments to advertise positions in both English and Maori, to include an acknowledgement, where appropriate, of the relevance of a knowledge of the Maori language and culture to positions, and to invite whanau or family support at job interviews. The State Services Commission has also issued guidelines providing for consultation with Maoridom on issues of concern to them.

148. Government departments, in recognition of the importance of biculturalism within the Public Service, have arranged Maori language, Treaty of Waitangi, and cultural awareness courses for their staff.

149. The implications of the Treaty of Waitangi now constitute a significant consideration in the formulation of Public Service recruitment policies. Specifically with regard to recruitment, the State Sector Act 1988 requires all appointments to the public service to be on the basis of merit. As a matter of law, then, there is an equal right of access to public service for all. To help ensure that this is reflected in practice, the Act also requires Chief Executives of all government departments to operate a personnel policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment. Equal Employment Opportunities (EEO) are given particular emphasis. The Act requires departments to establish an EEO Programme. An Equal Opportunities Programme is defined as: "a programme that is aimed at the identification and elimination of all aspects of policies, procedures and other institutional barriers that cause or perpetuate, or tend to cause or perpetuate, inequality in respect to the employment of any persons or group of persons". Chief Executives are required to:

(a) Develop and publish each year an equal opportunities programme;

(b) Ensure that the equal opportunities programme for that year is complied with throughout the department;

(c) Include in the department's annual report a summary of the EEO programme for that year and an account of the extent to which the department was able to meet the programme's objectives.

Included in the four groups of people which the Act requires departments to focus on in their EEO plans are Maori people, and ethnic or minority groups. These provisions of the State Sector Act help ensure that there are no barriers, in practice, to the recruitment of Maori and other minorities to the Public Service.

150. In addition, a number of affirmative action programmes are in place, such as the Maori and Pacific Island Recruitment Scheme which has already been referred to above. The results of the 1988 Public Service Ethnicity and

Disability Census indicate that Maori and Pacific Island people are now being recruited to the Public Service at a level more consistent with their number in New Zealand society as a whole.

151. A Pacific Island Management Development Programme was set up in September 1987 with the aim of increasing the number of Pacific Island people in management positions in the Public Service. (Further information on Tikanga Maori and the Public Service is contained in annex 30, available for consultation in the Secretariat.)

ARTICLE 3

A. Information on the legislative, judicial, adminstrative or other measures which give effect to the condemnation of racial segregation and apartheid and to the undertaking to prevent, prohibit and eradicate all practices of this nature in territories under the jurisdiction of the reporting State

B. Information on the status of diplomatic, economic and other relations between the reporting State and the racist régime of South Africa, as requested by the committee in its general recommendation III of 18 August 1972 and decision 2 (XI) of 7 April 1975

152. New Zealand has continued in the period under review to condemn all forms of racial discrimination and segregation, and *apartheid* in particular. In the United Nations and in the Commonwealth, New Zealand has joined with other members of the international community in calling on South Africa to dismantle *apartheid*. At the General Assembly New Zealand continues to co-sponsor a resolution on "concerted international action for the elimination of *apartheid*". New Zealand is a member of the United Nations Oil Embargo Committee. New Zealand has continued to support the various United Nations and Commonwealth funds directed towards helping the victims of *apartheid* and promoting their welfare.

153. New Zealand has no consular, diplomatic or trade representation in South Africa. The South African Consulate-General in Wellington was closed in 1985.

154. Trade with South Africa has remained at less than half of one per cent of New Zealand's total trade. So far as the Government is aware there is no New Zealand investment in South Africa. There is no co-operation between New Zealand and South Africa in the military or nuclear fields, and at the request of Government, New Zealand oil companies have agreed not to import oil products from South Africa or export them to South Africa. The Government has continued to discourage sporting contacts with South Africa in accordance with the Gleneagles agreement signed by Commonwealth Heads of Government in 1977. New Zealand sporting contact with South Africa has been virtually eliminated. These matters are further discussed below.

155. The New Zealand Government has continued to implement economic sanctions imposed on South Africa by the Security Council. As recommended by Security Council Resolution 591 (1986), the arms embargo was extended in April 1987 to include the export to South Africa of telecommunications and electronic equipment.

156. In February 1986 the Government directed the Tourist and Publicity Department not to promote or sell tours having South Africa as their primary destination.

157. In line with decisions of the Commonwealth Heads of Government Review Meeting of August 1986, the Government took the following further measures against South Africa:

(a) Air New Zealand's GSA agreement with South African Airways was terminated, as was the Railways Corporation's reciprocal fares arrangement with South African Railways;

(b) The Inland Revenue Department was instructed to decline any South African proposal for a double taxation agreement;

(c) The Government Stores Board was directed not to enter into contracts or place orders for goods originating in South Africa;

(d) Departments were directed not to enter into contracts with majority owned South African companies;

(e) The Minister of Tourism urged private sector travel and related agencies not to promote tourism to South Africa;

(f) Banking institutions operating in New Zealand were advised that it would be contrary to Government policy for them to make loans to the South African private or public sector.

158. Under the Customs Import Prohibitions (Sanctions) Order 1986 the importation from South Africa of all items in Chapters 1-24 (agricultural products) of the New Zealand Tariff Code was banned. The ban upon krugerrands was also extended under this Order to include all other gold coins minted in South Africa.

159. Existing trade prohibitions relating to South Africa were extended, under the Customs Import Prohibitions (Sanctions) Order 1987, to exclude the importing of coal, lignite, peat, coke and similar goods; uranium metal, compounds and ore; and iron and steel in their primary forms.

160. In April 1987 the Government arranged for the termination of consular services in South Africa previously provided by the British.

161. Cultural, scientific and sporting contacts with South Africa are actively discouraged by the Government in accordance with the Nassau Accord, the Gleneagles Agreement and the basic principles of the United Nations resolutions on the subject.

162. The only major sporting contacts with South Africa were in 1986 by rebel teams: The Cavalier rugby team and a group of lifesavers. The Government publicly deplored the inadequate response of the Rugby Union to the Cavalier's tour and gave strong support to the Surf Lifesaving Association's efforts to dissuade the lifeguards from competing in South Africa.

163. The Association subsequently imposed life bans on the lifeguards involved. In 1987 the Rugby Football Union advised the Government that it would not permit individual New Zealand players to join an international team to tour South Africa after the World Cup.

164. The Government can control entry to New Zealand, but cannot prevent New Zealanders from leaving their own country. Short of that, it does and will continue to do everything it can to dissuade New Zealand sports people from competing against South Africans, in South Africa or elsewhere. There is reason to hope that its strong stand will mean that there will be no further official sporting contacts.

165. Endorsement of the Government's position came just three weeks after the conclusion of this reporting period when the 14th Commonwealth Games took place in New Zealand, free from boycotts.

ARTICLE 4

A. Information on the legislative, administrative or other measures which give effect to the provisions of article 4 of the convention

(1) Measures taken to give effect to the undertaking to declare an offence punishable by law all dissemination of ideas based on racial superiority and hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including financing thereof (Art. 4 (a)).

166. As noted in previous New Zealand Reports, section 24 of the Race Relations Act 1971 makes it a criminal offence to refuse access by any persons to places, vehicles and facilities by reason of the colour, race or ethnic or national origin of that person or their relatives. Section 25 of the Act makes it a criminal offence to publish, distribute, broadcast or utter in a public place words which are likely to excite hostility or ill-will against, or bring into contempt or ridicule, any group of persons in New Zealand on the ground of colour, race or ethnic or national origins of that group. Complaints about any such actions are referred to the Police, who must then establish that the offender acted with intent to incite racial disharmony. The Race Relations Office takes the view that complaints under sections 24 and 25 fall within the jurisdiction of the Police.

167. With regard to complaints falling under other sectons of the Race Relations Act (and therefore within the purview of the Race Relations Office), 417 complaints were investigated by the Race Relations Conciliator during the four year period ending March 1989. This compares with 859 for the previous corresponding four-year period. The significant decline in the number of complaints in the last four years is due largely to the Office tightening up its legal and investigation procedures. In the last four years the determination of jurisdiction, that is, the determination as to whether a particular complaint properly related to the subject matter of the Act, has been done at a much earlier stage than in former years when most inquiries were automatically registered as complaints (whether or not they were

subsequently determined to come within the Conciliator's jurisdiction). Instead, the practice now is to register cases which do not come within the scope of the Race Relations Act as "inquiries". (For the four years ending May 1989 over 1,400 cases fell into this category.)

168. Complaints under section 9A (referred to in Part I above) still make up the major part of the Conciliator's caseload: in 1988-1989 these comprised 58 per cent of all complaints received (a decrease of 9 per cent on the previous year). A full analysis of all complaints appears in the Annual Reports of the Race Relations Office contained in annexes 2, 3, 4 and 5, available for consultation in the Secretariat. (As reported above, section 9A of the Race Relations Act was repealed in December 1989).

169. The Race Relations Conciliator, as a result of a policy decision of the Human Rights Commission (of which he is a member) can now file proceedings directly with the Equal Opportunities Tribunal without going through the Proceedings Commissioner as in the past. In addition, section 17 (2) of the Race Relations Act 1971 empowers the Conciliator to take proceedings, under section 38 of the Human Rights Act 1977, to the Equal Opportunities Tribunal. In December 1989, the Race Relations Conciliator was proceeding with three cases to the Equal Opportunities Tribunal.

170. The procedures followed are discussed in general terms in the sections dealing with Articles 5 and 6. Further details of the nature of complaints dealt with by the Race Relations Office are also given in those sections.

(2) Measures taken to give effect to the undertaking to declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and to recognize participation in such organizations or activities as an offence punishable by law (Art. 4 (b));

171. The comments made under this section in New Zealand's Fifth Periodic Report remain applicable.

(3) Measures taken to give effect to the undertaking not to permit public authorities or public institutions, national or local, to promote or incite racial discrimination (Art. 4 (c)).

172. The comments made under this section in New Zealand's Seventh Periodic Report remain applicable.

B. Information on appropriate measures taken to give effect to general recommendation 1, of 24 February 1972, by which the committee recommended that the States parties whose legislation was deficient in respect of the implementation of article 4 should consider, in accordance with their national legislative procedures, the question of supplementing their legislation with provisions conforming to the requirements of article 4 (a) and (b) of the convention

173. Paragraph 54 of the fifth periodic report remains applicable.

C. Information in response to decision 3 (VII) adopted by the committee on 4 May 1973

174. The information contained in New Zealand's fourth and fifth periodic reports remains applicable.

ARTICLE 5

Information on the legislative, administrative or other measures which give effect to the provisions of article 5 of the convention, in particular measures taken to prohibit racial discrimination in all its forms and to guarantee the right to everyone, without distinction as to race, colour, descent, or national or ethnic origin, to equality before the law notably in the enjoyment of the political, civil, economic, social and cultural rights, and the right of access to any place or service intended for use by the general public, enumerated in paragraphs (a) to (f) of article 5

175. For information concerning the legislative, judicial, administrative and other measures adopted by New Zealand, reference should be made to New Zealand's First and Third Periodic Reports and to the relevant information set out in the section covering Article 2 of this report.

176. Section 5 of the Race Relations Act deals with complaints of racial discrimination in employment areas. In the last four years employment-related complaints consistently took second place to complaints under section 9A, in terms of caseload. For the year ending March 1986, 7.3 per cent of the complaints investigated comprised complaints relating to section 5. This increased to 16.1 per cent, 17.8 per cent and 20.4 per cent in subsequent years. While in absolute terms the numbers of actual complaints remain fairly low (19 complaints in 1988/89), the apparent upward trend over the past three years in complaints under section 5 has none the less been of concern to the Race Relations Office. The increase in employment-related complaints may well be linked to the recent growth in levels of unemployment within New Zealand, and the associated pressure on jobs. The Race Relations Office has given publicity to this trend in order to heighten public awareness, and has, for example, met with the Employers Federation. This resulted in an undertaking on the part of the Federation to advise its members of their obligations under law.

177. Further details about the complaints received by the Office are given in the section below on article 6.

Refugees

178. The following information updates that given in New Zealand's sixth periodic report concerning the number of refugees living in the country, the Government's resettlement policy, and any problems of racial disharmony that may have arisen from their presence.

179. Since 1944 New Zealand has assisted with crisis situations around the world by accepting a number of refugees. The following table shows the number of refugees accepted for admission by New Zealand during the period April 1975 to March 1988. (This table does not, of course, include those persons who

have come to New Zealand, subsequently claimed refugee status and been permitted to stay under the terms of the 1951 Convention and 1967 Protocol Relating to the Status of Refugees).

Programme	Number
Chilean	355
Russian-Jewish	335
East European	304
Indo-Chinese	8,080
Polish	294
Medically Handicapped	167
Assyrian-Christian	91
Iraquis	11
Iranians	5
Afghanis	17
Bahais (Iranian)	118
Others	21
Total	9,798

180. The admission of refugees is an ongoing humanitarian priority in New Zealand's immigration policy. New Zealand's refugee programme has been developed and refined over the years. With its system of sponsorship and close community involvement, the programme ensures that the inflow of refugees matches the availability of resources, and that settlement is achieved with relative ease.

181. A comprehensive review of New Zealand's refugee programme has recently been completed in order to develop a more co-ordinated and structured way of dealing with refugee acceptance (rather than the previous piecemeal approach of individual country or region quotas). As from 1 April 1987, immigration policy provides for an annual global intake of 800 refugees, within which the Minister of Immigration may exercise discretion in consultation with the Minister of Foreign Affairs and with other agencies, and subject to the availability of community sponsorship. (There is also provision for Ministers to increase this intake if new refugee situations arise in a particular year.) This new policy provides greater flexibility and allows New Zealand to respond more quickly to changes in the international refugee situation.

182. Under the new refugee programme, 799 refugees (of which 645 were Indo-Chinese) arrived in New Zealand during the 1987/88 financial year (i.e. from 1 April 1987 to 31 March 1988) and 786 (679 Indo-Chinese) in the year to March 1989.

183. Within the global quota, special allowance is made for handicapped refugees. Since 1987, approval for the admission of individual cases has been given by the Department of Health and the New Zealand Immigration Service within a quota of 50 persons (10 family units) per year. Thirty-three handicapped refugees were resettled in New Zealand between April 1987 and March 1989.

184. A vital element in the successful settlement of refugees is the role played by sponsors, i.e. members of the community who undertake to assist refugees on arrival and until they are well enough settled to be able to operate independently. Sponsors, who are often church or community groups, are responsible for settling the refugee family into the local community, and ensuring that suitable accommodation, basic furniture and essential warm clothing are available when they arrive. The sponsoring group is also required to help refugee settlers learn English, to help find employment for refugee settlers of working age, and to assist with the many small problems of everyday life.

185. Special assistance was provided from the outset for Indo-Chinese refugees, and this has now been extended to all refugees on their arrival in New Zealand. Refugees spend six weeks at the Mangere Refugee Reception Centre (near Auckland) which provides orientation, English language instruction and general assistance. Once the refugees have joined their sponsors, the Department of Education ensures that the needs of the children are met at schools through a system of resource teachers. This system is co-ordinated through a National Co-ordinator, whose responsibilities also cover adult migrant education needs.

186. Large numbers of adult refugees make use of a network of volunteer home tutors or attend adult "English as a second language" classes at secondary schools and polytechnics. Language tuition is of course available to all non-English speakers in the community and not merely to refugees.

187. The Special Tenancies Policy, operated by the Housing Corporation, allows welfare and community organization to be allocated tenancies in order to assist with the housing of groups which are disadvantaged in the housing market. In the 12 months to June 1990, special tenancies have been granted to the Inter Church Commission on Immigration and Refugee Resettlement in Porirua and to the St. Vincent de Paul Society in Auckland, to be used as "halfway house" accommodation for newly arrived refugees.

188. The arrival of over 9,000 refugee settlers since 1975 has not had any significant impact on racial harmony. Nevertheless, in an effort to bring racial sensitivities to the attention of refugees (as well as to inculcate in them a knowledge of their rights), the initial settlement process includes a session in which officers of the Race Relations Office familiarize refugees with the legal provisions of the Race Relations Act, and with the different social situations they will experience in New Zealand.

Immigration

189. New Zealand's immigration policies have for a number of years provided for four broad categories of permanent migration: occupational migration (on the basis of work skills assessed as being in short supply in New Zealand); the Business Immigration Policy, allowing the entry of people with proven business skills and experience, and investment capital (in order to create employment opportunities and stimulate exports); family reunion (enabling people who had settled in New Zealand to sponsor the entry of family members); and humanitarian programmes (including the annual programme for the settlement of refugees).

190. The main focus of the policy relating to the first of these categories - immigration on occupational grounds - has been to encourage the entry of people having (and proposing to use) a level of skills or qualifications and experience not currently available in New Zealand. Most applicants under this category were approved on the basis of a list of skills known to be in short supply (called the Occupational Priority List). Preference had in the past been accorded to prospective migrants from the so-called "traditional source" countries of Northern and Western Europe and North America. Applicants from non-traditional source countries could be approved only if their prospective employer could show that recruitment from preferred sources was not possible and, in the case of nationals from developing countries, that the applicant's skills were not in demand in his or her home country.

191. From 18 February 1986, this "traditional source" criterion was abolished and applicants are now assessed solely on their personal qualities, skills, qualifications, potential contribution to the New Zealand economy and society, and capacity to settle well in New Zealand. National origin is no longer a consideration in assessing an application.

192. The Review of Immigration Policy, released in August 1986, represented the outcome of a thorough review by the Government of all aspects of immigration policy. The main aims of the review were to make tourist and business travel as simple as possible, to ensure that permanent immigrants to New Zealand were selected on personal merit rather than nationality, to give appropriate weight to humanitarian factors, and to recognise the positive contribution immigrants have made to the vitality, diversity and development of New Zealand.

193. In August 1987 an Immigration Bill was introduced and subsequently passed by the New Zealand Parliament. The Act, which came into effect at the end of 1987, is intended generally to reform the law relating to immigration, to set out the legal basis on which people may be in New Zealand, the procedures to be followed by individuals, and their rights, and to define the powers of the authorities who administer immigration law and policy. In addition, the Act makes provision for the removal of people who are unlawfully in New Zealand. People who are removed from New Zealand are not eligible to return for a period of five years from the date of their departure from New Zealand. There is a right of appeal against the issue of a removal warrant through two avenues. The first is by way of an appeal to the High Court (with provision for a further appeal to the Court of Appeal on a question of law). The second of these is on the basis of an appeal to the Minister of Immigration on humanitarian grounds.

ARTICLE 6

A. Information on measures which give effect to article 6 of the convention, in particular measures taken to assure to everyone within the jurisdiction of the reporting State effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms

194. The procedures adopted by the Race Relations Conciliator with regard to complaints under the Race Relations Act were outlined in full in New Zealand's Seventh Report and continue to apply.

195. In the year ending 31 March 1987 a total of 56 complaints were investigated under all sections of the Act, the lowest number recorded since the inception of the Race Relations Office in 1972. This represented a drop of 6.29 per cent in the number of complaints compared with the previous year. However, the year to 31 March 1988 saw a total of 117 complaints investigated (an increase of 108.9 per cent) and 93 complaints (a drop of 20 per cent) in the year ending 31 March 1989. This overall increase can be attributed mainly to three incidents - which were dealt with under section 9A of the Act - and which resulted in a multiple number of complaints. Two of the matters (involving language alleged to be abusive of Japanese) resulted in 37 complaints and one (alleged to be anti-Fiji Indian) resulted in 13.

196. An analysis of complaints received is to be found on pages 54-59 of the Race Relations Conciliator's Report for 1986, pages 52-55 of the 1987 Report, pages 70-74 of the 1988 Report, and pages 61-65 of the 1989 Report (all available for consultation in the Secretariat). As in previous years, and as noted elsewhere in this report, the overwhelmingly greatest number of complaints was lodged under section 9A.

197. In 1986/87, of the 56 complaints received, action was completed on 24, while action was discontinued on three, either on the wishes of the complainant or because a respondent could not be found. Of the 24 completed cases, 12 (21.4 per cent of the total complaints) were found to have substance (that is, they were found to be in contravention of the Race Relations Act); four (7.1 per cent) were found to have no substance; three (5.4 per cent) were resolved by conciliation; and five (8.8 per cent) were resolved during investigation (as, for example, when a respondent agrees in the course of investigation to withdraw an offensive remark). At the end of that period 9 of the 12 substance findings had been settled and three were still in the settlement process. Twenty-nine of the 56 cases were still being processed.

198. In 1988/89 of the 93 complaints received 22 (23.6 per cent) were found to have substances; six (6.5 per cent) were found to have no substance; seven (7.5 per cent) could not be established to have substance; 20 (21.5 per cent) were discontinued and 38 (40.9 per cent) were still under investigation. As explained earlier in this report, the Conciliator can institute proceedings through the Human Rights Commission to the Equal Opportunities Tribunal. Four such cases proceeded to the Tribunal in the period under review. The Conciliator can also take proceedings directly through the Tribunal without going through the Human Rights Commission. Two such proceedings were taken by the Conciliator during this period.

B. Measures taken to assure to everyone the right to seek from such tribunals just and adequate reparation or satisfaction for any damage as a result of such discrimination

199. There are no new legislative measures to report in this section for the period under review. However, the Race Relations Office through its education activities and investigation procedures has continued to keep the public well informed of the functions of the Equal Opportunities Tribunal as well as of their rights to take a case up to this level.

C. Information on the practice and decisions of the courts and other judicial and administrative organs relating to cases of racial discrimination as defined under article 1 of the convention

200. Detailed information on the practice and decisions of the Race Relations Conciliator is contained in the report of his Office for the years ending March 1986, 1987, 1988 and 1989, contained in annexes 2, 3, 4 and 5, (available for consultation in the Secretariat).

ARTICLE 7

Information on the legislative, judicial, administrative or other measures which give effect to the provisions of Article 7 of the Convention and to General Recommendation V, adopted by the Committee on 13 April 1977, in particular:

A. Combating prejudices which lead to racial discrimination;

B. Promoting understanding, tolerance and friendship among nations and racial or ethnic groups;

C. Propagating the purposes and principles of the United Nations Charter, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination

Education, teaching and culture

201. The information in this section updates the details on measures in the field of education, teaching and culture submitted in New Zealand's earlier periodic reports, particularly the fifth, sixth and seventh periodic reports.

Maori education

202. The objectives of Maori education were set out in paragraph 56 of the seventh periodic report.

203. The New Zealand education system has long been committed to the achievement of greater cultural understanding and respect between Maori and Pakeha New Zealanders. Maori and Pakeha teachers and administrators acknowledge the difficulty of achieving anything like equality for Maori children and Maori values in an education system whose values are based on the dominant "European" culture and in which most of the educators are non-Maori. Throughout the country a great deal of effort is being put into redressing this cultural imbalance and into equalizing opportunities for Maori children.

204. The increasing number of Maori language and study programmes at pre-school, primary, secondary and tertiary level, the current emphasis on taha Maori (the Maori dimension) throughout the school system, the encouragement of bilingual teaching and marae-based language and culture courses for teachers and administrators, the provision of scholarships and financial assistance to Maori and Pacific Island students are all developments which reflect the Government's commitment to biculturalism in New Zealand

schools. The results of such programmes, however, continue to be mixed. The academic achievements of some Maori young people are a source of pride to whanau and to their teachers. However, statistics show (see tables 6 and 7) that while Maori achievement rates in the traditional formal examinations have improved significantly over the last five years, the gap between the general educational achievement of Maori and Pakeha is still great. Progress in narrowing that gap has been slow and a number of Maori leaders are becoming openly critical of a system that, on the evidence, seems to be detrimental to the educational interests of Maori children. Some comment on this issue is included in the Annual Reports of the former Education Department and in particular at pages 11-14 of the report for the year ending March 1987 (contained in annex 31, available for consultation in the Secretariat).

205. The development of school curricula that acknowledge the place of Maori as the tangata whenua and deal equitably with Maori is therefore of the highest priority and one of the most difficult challenges currently facing the State school system. However, the need for the system also to develop appropriate multicultural policies - alongside its bicultural frame of reference - in order to accommodate the needs of the various other ethnic minority groups which make up New Zealand society is another major challenge. This is a difficult process in that, although they serve a common objective, the differing focuses and requirements of bicultural and multicultural educational policies may at times be in conflict. Many Maori leaders are suspicious of the concept of multiculturalism, fearing that the concerns of Maoridom in education may become lost among the claims of other cultural groups, while, on the other hand, the ethnic minorities feel themselves to be excluded by policies that focus only on relations between Maori and Pakeha New Zealanders.

206. Policies that fall under the heading of multiculturalism are as yet much less well developed than those under the heading of biculturalism. The Government has, however, given considerable thought to the educational implications of multiculturalism. Comprehensive proposals for the teaching of the languages of the main ethnic communities in New Zealand have been prepared. The further development and implementation of Government policies to promote biculturalism and multiculturalism in New Zealand will be covered more fully in New Zealand's future periodic reports.

Restructuring in education

207. The period under review embraces a major restructuring of the administration of education in New Zealand. The former Department of Education has been replaced with a Ministry of Education and an Education Review Office, and a number of other new agencies have been established including the Teacher Registration Board, the Parent Advocacy Council and the National Educational Qualifications Authority. Regional Education Boards have been closed and local responsibility for school administration is now in the hands of the Boards of Trustees elected by parents of every school. This devolution of power and control in education is very much in line with overall Government policy.

Table 6. Highest Secondary School attainments of Maori pupils 1978-1988

	1984 Pupils	%	1985 Pupils	%	1986 Pupils	%	1987 Pupils	%	1988 Pupils	%
Attainments	6	0.1	0	0.0	2	0.0	1	0.0	4	0.0
University Scholarship	141	1.5	143	1.5	133	1.5	206	2.3	240	2.9
University Bursary	213	2.2	206	2.2	351	4.0	452	5.2	457	5.6
Higher SC	1 581	16.3	1 621	17.0	1 401	15.9	1 605	18.3	1 769	21.6
UE/Sixth Form Certificate	1 719	17.7	1 729	18.1	2 207	25.1	2 421	27.6	2 313	28.2
No attainment	6 018	62.2	5 850	61.3	4 693	53.4	4 081	46.6	3 406	41.6
TOTAL LEAVERS	9 678	100.0	9 549	100.0	8 787	100.0	8 766	100.0	8 189	100.0

Table 7. Highest Secondary School attainments of non-Maori pupils 1978-1988

	1984 Pupils	%	1985 Pupils	%	1986 Pupils	%	1987 Pupils	%	1988 Pupils	%
Attainments	196	0.4	186	0.4	184	0.4	199	0.4	225	0.5
University Scholarship	5 708	10.7	5 450	10.5	5 977	12.1	7 286	15.1	8 797	19.2
University Bursary	3 116	5.8	3 579	6.9	4 553	9.2	5 919	12.2	5 790	12.7
Higher SC	16 337	30.7	16 020	31.0	14 638	29.5	14 046	29.0	13 214	28.9
UE/Sixth Form Certificate	12 989	24.4	11 815	22.8	13 589	27.4	12 378	25.6	10 716	23.4
No attainment	15 003	28.1	14 726	28.5	10 655	21.5	8 570	17.7	6 973	15.3
TOTAL LEAVERS	53 349	100.0	51 776	100.0	49 596	100.0	48 398	100.0	45 715	100.0

Note:

1. Excludes the Correspondence School and departmental special schools prior to 1984.
2. Percentages may not always add up to 100.0 due to rounding.
3. From 1986 the University Entrance Qualification was discontinued and grades were awarded to all School Certificate Candidates.

208. Educational institutions enter into an agreement with the Ministry of Education by way of a charter which includes compulsory elements but also enables each school to develop programmes suited to its particular client group. Each educational institution is subject to review every two years. This will be done by the Education Review Office and is conducted in the context of each school's charter agreement. It is believed that this decentralization will bring about much greater parent involvement in education and will also bring about the development of a partnership between professionals and parents. It is expected that this form of administration will also ensure that schools are more responsive to local community needs. The outcome of these major changes, which came into effect on 1 October 1989, will be covered more fully in New Zealand's next periodic report.

209. This new concept in the administration of education, which has been designated "Tomorrow's Schools", seeks to integrate equity issues into all aspects of education. Maori interests are acknowledged and accepted under "Tomorrow's Schools". Affirmation of the Treaty of Waitangi is a requirement for every school's charter. Every charter is deemed, by virtue of the provisions of the Education Act 1989, to include the National Education Guidelines as a core element. Under these Guidelines, each school Board of Trustees accepts an obligation to develop policies and practices which reflect New Zealand's dual cultural heritage. This will be achieved in particular by:

(a) Ensuring the curriculum reflects Maori perspectives;

(b) Making equitable provisions in the curriculum for the instructional needs of Maori children;

(c) Providing opportunities for students who wish to learn the Maori language and culture;

(d) Providing for students whose parents wish them to be educated through the Maori language;

(e) Recognizing Maori values in the provision of resources and facilities within the school;

(f) Making staffing or financial provision to enable the school to meet the requirements of (a)-(e) above.

210. A division within the Ministry of Education, Te Wahanga Maori, will have an important role to play in developments aimed at improving Maori achievement in education.

211. Taha Maori is a feature of curriculum development in schools throughout the country. Considerable material has been published to assist teachers in incorporating this perspective in the classroom and there have also been many courses for teachers throughout the country. Relevant background is contained in a publication produced by the Race Relations Office in 1986 entitled "Taha Maori - A Pakeha Perspective" (contained in annex 32) and from "Taha Maori in Schools" published by the Department of Education (annex 33). (Both annexes are available for consultation in the Secretariat.)

212. The Maori perspective in the curriculum is intended to educate all New Zealanders so that they may come to understand and value the Maori dimension of New Zealand's cultural heritage. Taha Maori is not in itself the vehicle for addressing the major issues and needs of Maori people in the education system.

Maori language in schools

213. Interest in learning about Maori language and culture continues to grow. The following table (No. 8) shows the position with regard to bilingual schools at the primary school level and schools with bilingual units in both the primary and secondary levels of the education system. The Government provides establishment grants for these units and annual resource grants thereafter. The system for funding has changed with the new administration for education and this will be commented on in the next report.

Table 8. Bilingual Schools and Classes

Primary			Primary		Secondary
	No. of Bilingual Schools	No. of Pupils at Bilingual Schools	No. of Schools with Bilingual Classes	No. of Pupils in Bilingual Classes	No. of Schools with Bilingual Classes
1987	12	1 284	38	1 428	10
1988	20	1 678	67	3 044	18
1989	20	1 895	131	6 744	N/A

214. The number of secondary schools teaching the Maori language and the number of students taking this option have increased steadily in recent years. The figures are shown in table 9 which follows:

Table 9. Number of Secondary Pupils taking Maori language at all Secondary Schools 1971-1988

Year	Total Number of Secondary Pupils taking Maori Language	As a % of total Secondary Roll	Number of Maori Pupils taking Maori Language	As a % of all Secondary Maori Pupils	Number of Non-Maori Pupils taking Maori Language	As a % of all Secondary Non-Maori Pupils	Maori Pupils taking Maori Language as a % of all Pupils taking Maori Language	Number of Schools teaching Maori Language
1971	4 435	2.3	3 043	16.9	1 287	0.8	69.7	52
1972	5 373	1.7	3 786	19.3	1 587	0.9	70.5	63
1973	7 027	3.5	4 619	22.2	2 408	1.3	65.7	76
1974	9 111	4.4	5 576	25.6	3 535	1.9	61.2	95
1975	11 293	5.1	6 595	27.6	4 698	2.4	58.4	127
1976	11 933	5.2	7 446	27.8	4 487	2.2	62.4	143
1977	13 013	5.6	8 336	29.7	4 675	2.3	64.1	144
1978	14 256	6.1	8 834	29.6	5 421	2.6	61.8	161
1979	14 847	6.5	9 439	31.3	5 408	2.7	63.6	181
1980	14 682	6.5	9 344	31.4	5 338	2.7	63.6	181
1981	14 351	6.4	9 429	31.5	4 922	2.5	65.7	173
1982	14 048	6.3	8 954	29.9	5 094	2.6	65.7	174
1983	13 456	5.8	9 401	29.9	4 055	2.0	69.0	175
1984	14 950	6.5	9 551	30.5	5 399	2.7	63.9	182
1985	16 981	7.4	10 853	34.8	6 398	3.2	63.9	205
1986	18 508	8.0	11 380	36.3	7 128	3.6	61.5	217
1987	19 626	8.4	12 227	38.2	7 399	3.7	62.3	233
1988	19 904	8.5	12 105	37.0	7 799	3.9	60.8	256

215. A research and development project to evaluate the effectiveness of an oral assessment system for Maori language was undertaken in 1987. The project assessed School Certificate Maori candidates in the Taitokerau area of Northland. It developed appropriate forms of moderation between schools, and involved the training of all teachers of School Certificate Maori in Taitokerau as oral Maori assessors. Kaumatua and kuia (elders) actively participated in the assessment. The project was successfully completed and the moderation and assessment procedures were continued during 1988/89. The marks awarded on the basis of these procedures will be those awarded for School Certificate. The move towards community-based assessment represents a significant departure from previous assessment practices.

216. Recruitment of Maori students into teacher training remains a priority. In 1987, 12.5 per cent of the new primary teachers intake, and 12.49 per cent of the secondary teachers intake, were Maori students. Maori attestation courses, known as Te Ataakura, were introduced for secondary teaching in 1987. The scheme was extended to primary teaching in 1988. Te Ataakura aims to recruit fluent Maori speakers for teacher training. The entrants to the course are attested as to their fluency in the Maori language and depth of knowledge of Maori culture, art and history by their local tribal authorities. This certification provides the equivalent of a university subject qualification in other disciplines. Candidates undergo a further selection interview to judge their suitability for teaching by an all Maori panel representing teachers' colleges, secondary employing authorities, the Post Primary Teachers Association and the Ministry of Education. The panel visits the home marae of the candidates interviewed, thus making it possible for the marae community to participate in the selection process. Successful candidates then begin a one-year programme of teacher training. Forty students at four teacher training colleges graduated from the Te Ataakura course in 1987 and 50 in both 1988 and 1989. Graduates entered the teaching force the following year. It is intended that, in addition to their Maori language teaching, these teachers will each have the equivalent of one day per week to enable them to counsel Maori students, to establish and maintain relationships between the school and the local Maori community, and to assist with the fostering of Maori culture in their schools.

217. Kaiarahi reo are Maori language assistants, selected with the involvement of representatives of the Maori community. They are provided as ancillary staff in primary schools which enrol significant numbers of pupils from neighbourhood kohanga reo. Twenty kaiarahi reo positions were established in 1986, 25 in 1987, 15 in 1988 and 15 in 1989, now totalling 75.

218. Courses for further training of kaiarahi reo have been established at some Colleges of Education. Programmes have also been established for training teachers to work in bilingual schools and units.

219. Three additional itinerant teachers of Maori were appointed by the Government in 1987, bringing the total to 53. The itinerant teachers support the teaching of Maori language in primary schools, and encourage teacher development by organizing courses in Maori language to allow primary teachers to upgrade their skills and fluency. Funds are also provided for resource kits to promote the learning of the Maori language. The kits will complement the new primary Maori language syllabus which was approved by Cabinet in June 1989 and is currently being implemented. A further draft syllabus for Maori language in secondary schools is being prepared and is expected to be put to the Minister of Education before the end of the year.

220. The Auckland College of Education is running a government-funded course for young unemployed people, of which a large proportion are Maori and Pacific Islanders, aiming to give them an introduction to teaching studies at various levels. It is hoped that some students will meet the requirements and commence a pre-service teacher programme, ultimately helping improve the ethnic mix represented in the teaching service.

221. Five out of the six Colleges of Education have on-campus marae, to help enhance the effectiveness of bicultural courses at the colleges, and thereby better prepare students for teaching. The sixth College relies on a local Maori community marae.

222. Further support for teacher development is provided through government-funded marae courses on Maori language and culture run for senior managers in education, principals and deputy principals of primary and secondary schools.

Curriculum development and review

223. A number of new initiatives over the period 1986-89 are aimed at ensuring a more accurate portrayal of the multi-ethnic character of New Zealand society. Among new social studies resources is a package about a Cook Islands family in New Zealand, with texts in both English and Cook Island Maori. In-service training for teachers on the best use of this resource has been undertaken in many regions. The emphasis on recognizing and valuing cultural diversity remains strong in social studies programmes.

224. A revised history curriculum (Heritage Studies) for the senior secondary school places special emphasis on the Maori perspective of New Zealand history. One third of the course at each level is a "special studies" component, with emphasis on local history. The teacher's guide for this curriculum emphasizes the opportunity for research into Maori history on a tribal rather than national basis.

225. A major review of the curriculum for schools was undertaken during 1985 and 1986 with a final report being presented to the Minister of Education in 1987. This review involved widespread public consultation. About 30,000 submissions were received from individuals and from teacher, parent or community groups. From the tenor of the submissions received and on the basis of its own research, the review committee's report is a strong affirmation of the importance of Maori language, culture and perspective not only as a part of school curricula, but also in education's management, organizational and consultative processes. It identified 15 National Curriculum Principles, one of which stated that:

> "The curriculum shall be non-racist. The curriculum will honour the promises of the Treaty of Waitangi to the Maori people on Maori language and culture. It will recognize and respond to the aspirations of the people belonging to all cultures making up New Zealand society."

226. As noted previously, the kohanga reo programme, one of the most significant developments in the promotion of Maori education and biculturalism, has significantly increased the number of Maori children participating in pre-school education. The kohanga reo movement has demonstrated how Maori culture can be maintained and developed in modern society, and it has been the springboard for other community education and development programmes.

227. The Government established a review team which reported on the kohanga reo movement in September 1988. The review team's recommendations included calls for increased funding, greater support for kaiako (fluent speakers), and training for all teacher trainees to include awareness of Maori cultural values and social mores in order that teachers in any educational setting can enhance the self-concept and educational competence of children from kohanga reo.

228. Further measures to promote the teaching of Maori language in primary and secondary schools will be particularly important to accommodate the needs of kohanga reo children as they enter the school system. Three thousand such children began primary school in 1988. Providing for their needs will remain a major challenge for schools. In terms of present funding, each kohanga reo receives an operating grant of $18,000, and this will substantially increase, as from 1990, with the decision to put government funding for kohanga reo on the same basis as all other day-care centres.

229. Maori people have felt some concern at the inability of the education system to respond quickly enough to the needs of the rapid increase of kohanga reo graduates, entering the public school system. Most of these children have a high level of competency in the Maori language; in some cases Maori is their first language. Despite the big increase in bilingual schools and bilingual units (see Table 8 above), there is still much to be done to meet the needs of these children. As a direct outcome of the growth of Te Kohanga Reo, some Maori parents have sought to establish primary schools which build on the language and knowledge which the children gain at the Kohanga. The last two years of the reporting period have seen an upsurge of interest and determination to build on these pre-school developments. The first kura kaupapa Maori (Maori language school) primary school based on Maori language and knowledge was established and registered as a private school at Hoani Waititi Marae in Auckland in 1987. Several more were established during 1988 and 1989. In December 1989, the Minister of Education announced the establishment of six kura kaupapa primary schools, (five in Auckland and one in Palmerston North) within the State school system. These seven kura kaupapa Maori have their own charters and will be subject to review in the same way as other State schools.

230. Enhancing Maori achievement in education remains one of the highest priorities for the Government and the new Ministry of Education. The effect of developments discussed here will be reported fully in the next periodic report.

Pacific Island pre-school education

231. During 1987 the Government provided financial assistance to 15 Pacific Island pre-school groups through the non-profit making, pre-school groups scheme. National in-service courses were held to assist in the planning and development of this scheme. The scheme has grown rapidly and by the end of the reporting period approximately 75 pre-school groups were in operation.

232. The Anau Ako Pasifika (Pacific Islands Early Childhood Education) Project was developed in co-operation with the Bernard van Leer Foundation and involves the Ministry of Education, the Pacific Islands Polynesian Education Foundation (PIPEF) and the Pacific Allied (Women's) Council (PACIFICA). The project set up home-based early childhood care and education programmes linked

to existing early childhood centres run by Pacific Island communities. The major emphasis is on language development (both in the mother tongue and in English), increasing parental knowledge of early childhood care, and assisting a child's transition into the formal education system. A field director, research officer and two part-time resource officers were appointed. This field team co-ordinates and oversees the work of five home tutors who work in Auckland, Tokoroa and Wellington and who are responsible to a Board of Trustees. Pacific Island women are taking leading roles at all levels of the project.

233. Pre-school language nests modelled on the highly successful Maori kohanga reo have also been established by some Pacific Island communities. While these are still few in number, they do reflect a concern on the part of Pacific Island communities to strengthen their children's early childhood educational experience and the desire to retain much of their culture and language. There are also a small number of Samoan language bilingual programmes within the State school education system.

Continuing education

234. During the review period, the Department of Education sponsored initiatives to establish networks for Maori and Pacific Island continuing education. These included providing advice and training to government agencies, national boards and committees, and Maori and Pacific Island community groups. Initiatives at polytechnics included the development of Te Reo Maori curricula, bicultural dimensions in polytechnic courses and non-formal education programmes for Maori and Pacific Islands. The Department sponsored four hui for polytechnic directors and Maori and Pacific Island liaison tutors to report on and further develop Maori and Pacific Island participation in polytechnics.

235. The Department also allocated additional funds for extra Maori and Polynesian scholarships for higher education.

Human rights education

236. Human rights education in New Zealand is mainly focused on matters such as equal employment opportunity and sexual harassment, questions of racial disharmony and institutional racism, and general issues of equity. Much of this education is directed at providing basic information to ensure that individuals are able to exercise their rights appropriately and to seek legal protection when necessary.

237. Official school syllabuses and guidelines in social studies, history, geography and foreign languages incorporate many of the aims and guiding principles of human rights education. In early childhood education, the philosophy of co-operation, sharing and understanding establishes an important basis for the later development of human rights concepts.

238. The development of teaching and educational resources has been supported in particular by liaison between the Department (now Ministry) of Education and the Human Rights Commission, Race Relations Office and non-governmental organizations. School journals, published for four levels of the primary school system and distributed three times a year in class sets to all primary and intermediate schools, regularly contain articles and stories about

international co-operation and understanding. The Human Rights Commission published in 1988 a series of kitsets specifically on human rights issues (aimed at the upper primary/junior secondary school level). This material includes an elaboration of the functions of the Human Rights Commission, a number of case studies, and a discussion of various human rights issues including questions of stereotyping and discrimination. The Race Relations Office has also published several resource tools for use in schools.

239. The Development Education Trust has organized workshops sponsored by the Ministry of Education to develop resources for education on matters relating to development. The Trust makes available a range of resources for schools, including audio-visual materials, kitsets and booklets. The New Zealand Red Cross has produced (with the assistance of the then Department of Education) a series of teaching units for Forms 1-4 relating to international humanitarian law. Many other organizations have also produced kitsets and school resource materials on a wide range of topics relevant to education about international co-operation, understanding and human rights.

Community and adult education

240. The Human Rights Commission Act requires the Commission, amongst other functions, "to promote, by education and publicity, respect for and observance of human rights". Similarly, the Race Relations Act directs the Race Relations Office "to affirm and promote racial equality in New Zealand". Accordingly, a significant proportion of the resources of both Offices has been devoted to community and adult education, often in liaison with a variety of community groups and organizations which have established networks and educational programmes. In practice, much of the human rights teaching at this level is problem-specific, and has been directed at groups such as employers and landlords, to inform them of their obligations under the law. In addition, education programmes and materials are directed at groups and individuals who may be the possible victims of discrimination, or of an infringement of their human rights. Specific opportunities for education about human rights also arise in the process of conciliation of particular disputes and conflicts brought before the two Offices.

241. A range of educational materials aimed at "consciousness raising" has been developed by the Human Rights Commission and the Race Relations Office. These materials include pamphlets, posters, videos, kitsets, research papers and regular newsletters. In addition, both bodies give or take part in lectures, public addresses, group discussions and activities, simulation games, role plays and seminars. These educational activities help build on the generally high level of awareness of human rights within New Zealand society and help maintain a cultural climate sympathetic to the upholding of human rights.

Vocational guidance

242. Until its disestablishment in March 1988, the Vocational Guidance Service provided marae-based training courses designed to increase the awareness of Vocational Guidance Counsellors of the multicultural nature of New Zealand society.

243. Three new services have now been established. One of these, the Career Education Service, has responsibility for ensuring that schools provide adequate career advice to all pupils and that schools assist the transition of Maori and Pacific Island school leavers into the work-force.

Migrants and new settlers in New Zealand

244. The work of the Interdepartmental Committee on Resettlement (ICR), and the Department of Labour's Resettlement Unit has been referred to in earlier reports. In 1988 they published an information booklet entitled "New Zealand: A Guide for New Settlers". It provides information for migrants about many of the day-to-day aspects of life in New Zealand, and describes the services provided by both central and local government and by the many community organizations in New Zealand.

245. Interpreting services, and their importance for new settlers, have been identified as an area for attention. In response to this, the Resettlement Unit began a pilot study of the need for interpreting services in urban areas. Following recommendations put to the ICR, a new course to train interpreters was begun at the Auckland Technical Institute in 1989.

Information

246. Broadcasting policy reforms over the period saw the restructuring of the former Broadcasting Corporation of New Zealand and the establishment of Television New Zealand Limited (TVNZ) and Radio New Zealand Limited (RNZ) in December 1988. Other reforms followed the passage of the Broadcasting Act 1989, which established a Broadcasting Commission to administer the public broadcasting fee, and a Broadcasting Standards Authority to govern broadcasting standards. One of the functions of the Authority is to encourage the development and observance of "safeguards against the portrayal of persons in a manner which encourages denigration of or discrimination against sections of the community on account of sex, race, age, occupational status or as a consequence of legitimate expression of religious, cultural or political beliefs". One of the principal functions of the Commission is to reflect and develop New Zealand culture by promoting Maori language and Maori culture. A further function is to ensure that a range of broadcasts is available to cater for the interests of minorities in the community, including ethnic minorities.

247. It is widely recognized that the broadcasting system has on the whole served to perpetuate a monocultural view of New Zealand society. Maori and ethnic content in broadcasting remains under-represented, although this situation has improved since New Zealand's last periodic report. One response of the Government to this has been to direct the Broadcasting Commission to allocate a minimum of 6 per cent of its broadcasting fee income to Maori broadcasting.

248. Specific Maori programming in both English and Maori on TVNZ constitutes at the most only about two hours per week over both channels. Programmes on TVNZ channels 1 and 2 have included a daily Maori news broadcast, a weekly programme on Maori culture, two language teaching series and other children's programmes, and occasional programmes on specific Maori issues or subjects of interest. In 1986 TVNZ established a Maori production unit which aims to produce programmes for fluent and non-fluent Maori speakers, and Maori and

other New Zealanders interested in Maoritanga. Maori subjects and perspectives are reflected in regular programming, being incorporated into drama, documentaries, entertainment, news, current affairs, sport and children's programmes. There is also a weekly programme for Pacific Island people, formerly in the languages of the Pacific Island communities in rotation but now in English.

249. The Broadcasting Tribunal's hearings on applications for the private third television channel were completed in early 1987. The application by a Maori organization to operate the channel was unsuccessful. However, certain conditions relating to the Maori content of and target audience for programming for the third channel were specified in the warrant granted to the successful applicant. These included establishing a minimum number of "commercial" hours per year of programmes clearly identifiable as directed towards a predominantly Maori audience; ensuring that such programmes will be broadcast at times accessible to the target Maori audience; and ensuring that these programmes would be complementary in character and scheduling to similar programmes offered by either of TVNZ's two channels. With the introduction of the third channel, TV3, in October 1989, there has been a slight increase in Maori programme content.

250. The former Department of Maori Affairs entered into a joint-venture programme with TVNZ in 1986 to train 50 young Maori in all facets of the industry. The programme was established to provide bilingual Maori people with the skills needed to work in all branches of television. It is expected that they will bring both a greater sensitivity to Maori issues in broadcasting and promote the use of the Maori language.

251. Maori programming on radio has attained more representative levels than on television, with regular daily and weekly programmes broadcast by regional and national stations. Radio New Zealand's policy is that stations in areas with 10 per cent or more Maori population should work towards a weekly Maori news bulletin in English. Community stations are encouraged to broadcast news of events and information of interest to the Maori community. There is also a news programme on radio in Pacific Island languages.

252. The Department of Maori Affairs was involved in the establishment of the Aotearoa Maori Radio Board and in funding Aotearoa Radio (Maori Radio) in order to provide alternative outlets for the use of the Maori language. The Board, established in 1987, is Auckland based but has responsibility for establishing a National Maori radio network. Further, some Maori communities which believe a national organization to be inappropriate have proceeded independently to establish local Maori radio stations. At the end of 1989 four tribal-based radio stations existed and Aotearoa Maori Radio itself broadcast from Auckland. Government provided some support for two independent Maori language broadcasting stations, Te Upoko o te Ika in Wellington and Radio Ngati Porou in Ruatoria.

253. Most other efforts and initiatives with regard to ethnic content broadcasting have centred on a concept known as Access community radio. The main aim of Access radio is to promote the interest and involvement of the local community, and particularly ethnic groups, in broadcasting at a grass roots level. The Race Relations Office, together with other agencies including Radio New Zealand and the Auckland technical institutes, joined to

establish Access radio in Auckland. During periods in 1987 and 1988 short-term warrants (licences) were obtained and more than 80 community and ethnic groups participated in broadcasts. Since 1989 Access radio has become a permanent feature in Auckland and now broadcasts each evening and all day Sunday. Wellington and Christchurch have also had Access radio stations for some time. It is hoped that permanent Access community stations can be established nationally, although a lack of funding is at present hindering this.

254. More information on Maori broadcasting in New Zealand is contained in the extract from the report of the Royal Commission on Broadcasting, contained in annex 34 (available for consultation in the Secretariat).

255. As noted in the Seventh Periodic Report, there are no legal impediments in New Zealand to the publication of newspapers, etc., in Maori or in languages other than English, but commercial demand has not yet led to the production of daily newspapers in any language other than English. Weekly and monthly papers using significant amounts of Maori and Pacific Island languages have begun to appear and flourish.

256. The Department of Maori Affairs publication "Tu Tangata", referred to in the Seventh Periodic Report, was produced until July 1987, when publication ceased for financial reasons. In November 1989, the 1990 Commission began a nationwide, three-month long, Treaty of Waitangi education campaign. This involved extensive television advertising about the Treaty itself, as well as the distribution of 300,000 brochures on the Treaty and education resource kits for schools (at a cost of $2.33m).

257. The Human Rights Commission and Race Relations Office produce information material in a number of New Zealand community languages. In the spirit of the Treaty of Waitangi and the promotion of a bicultural Public Service, a number of government departments have recently begun producing bilingual reports, newsletters, brochures and other material.

258. The Race Relations Conciliator and his officers continued to pursue a full programme of information and educational activities involving a wide range of schools, tertiary institutions, government departments, service clubs and many other organizations. Details of these activities are set out in the Annual Reports (annexes 2, 3, 4 and 5, available for consultation in the Secretariat). In addition to holding the Public Marae Experience weekends, (referred to in the Seventh Periodic Report), the Race Relations Office also facilitates and co-ordinates Marae Experience visits for specialist groups. For example in 1987, 1988 and 1989, the Office facilitated Marae Experience programmes at Te Puia Marae, Mangere, for students and staff of the Master of Business Administration degree course at Auckland University. The Office has also conducted youth forums throughout New Zealand in the period under review. The Race Relations Office networkers throughout the regions have played a major role in the organization of these forums.

259. A Teacher Liaison Group was established in Auckland in late 1985 and Wellington in 1987 with the aim of ensuring closer liaison and contact between the Race Relations Office and local secondary schools.

260. In 1986 a small group of Auckland secondary school principals combined with the Office to set up the Student Cultural Exchange Programme. The scheme aims at bringing senior students together for an intensive immersion in a cross-cultural setting. Students move to schools which are ethnically and culturally very different from their own and they also live with families who are ethnically different. The programme is intended to last for one term but can be extended to one full year. In its first year, 1987, 11 students took part; 14 in 1988 and 31 in 1989.

261. Demand for publications produced by the Race Relations Office remains high. Since the Seventh Periodic Report the Office has increased its commitment to publish materials relevant to its work and to the whole subject of race relations in New Zealand. These publications are either sold at a minimal price or distributed free of charge.

262. The Race Relations Office worked with the Tourist and Publicity Department to produce a booklet, published in 1989, setting out guidelines for manufacturers and retailers concerning Maori souvenir items and outlining the reasons why certain items were considered culturally offensive.

263. Since the Seventh Periodic Report, the Race Relations Office has published a number of studies, including a report entitled "Racism and Rental Accommodation". Conducted by an independent researcher commissioned by the Office, the report examines the extent of discriminatory practices in rental accommodation letting and servicing in Auckland. It confirmed conclusively that racial discrimination does exist in the rental accommodation industry. This problem is now being addressed by the Race Relations Office through its education and publicity activities.

264. A second study, conducted in 1987, investigated the application of immigration law in New Zealand. The Minister of Immigration asked the Conciliator to investigate allegations that immigration officers discriminated, on the basis of race, in their enforcement activities with regard to illegal overstayers. The Conciliator's investigation revealed that although Pacific Islanders comprise less than a third of total overstayers, they are virtually the only ethnic group arrested, prosecuted and deported for the offence. His conclusions were considered by the Government and incorporated into the review of immigration legislation. They have also been the subject of a number of extended seminars conducted by the Race Relations Office with staff of the Immigration Division of the Labour Department.

265. The Race Relations Office has stepped up its publishing programme in recent years. Among its recent publications has been:

(a) Living Languages: Bilingualism and Community Languages in New Zealand;

(b) The Challenge of Taha Maori: A Pakeha Perspective;

(c) Towards an Equitable Society: Affirmative Action;

(d) A Bibliography of Race Relations in New Zealand 1970-1986;
Faa-Samoa: The World of Samoans;

(e) Getting it Right: Aspects of Ethnicity and Equity in Education;

(f) New Zealand English: Alive and Very Well: Te Reo Pakeha O Aotearoa Kei Te Tino Ora.

A full list of the Office's publications is contained in its Annual Reports.

266. The Race Relations Office continues to maintain its link with various Ethnic Councils throughout New Zealand. There are now five established Councils, one in each of the following cities: Auckland, Wellington, Christchurch, Hamilton and Lower Hutt. A national body, the Federation of Ethnic Councils of New Zealand, was formed in 1989 to deal with matters affecting regional councils at the national level. It is the view of the Conciliator that these bodies play an important role in airing the views of ethnic communities in New Zealand.

THE COOK ISLANDS, NIUE AND TOKELAU

267. Reference should be made to New Zealand's previous reports which explain the situation with respect to the Cook Islands and Niue.

268. No amendments were made to the Cook Islands' Race Relations Act 1972 or to the Niue Race Relations Ordinance 1972 in the period under review.

269. No proceedings were instituted in the Cook Islands or Niue under the applicable legislation in the previous period.

270. Reference should be made to previous New Zealand reports, and especially the first, for the situation with respect to Tokelau.

Annex

ANNEXES TO THE NEW ZEALAND REPORT
(Available for consultation in the Secretariat)

ANNEX:	TITLE:
1	Principles for Crown Action on the Treaty of Waitangi (1989, Department of Justice, Wellington).
2	Annual Report of the Human Rights Commission and the Office of the Race Relations Conciliator (1986, Government Printer, Wellington).
3	Annual Report of the Human Rights Commission and the Office of the Race Relations Conciliator (1987, Government Printer, Wellington).
4	Annual Report of the Human Rights Commission and the Office of the Race Relations Conciliator (1988, Government Printer, Wellington).
5	Anrual Report of the Human Rights Commission and the Office of the Race Relations Conciliator (1989, Government Printer, Wellington).
6	Annual Report: Department of Internal Affairs (1987, Government Printer, Wellington).
7	Annual Report: Department of Internal Affairs (1988, Government Printer, Wellington).
8	Annual Report: Department of Internal Affairs (1989, Government Printer, Wellington) pp. 51-52.
9	New Zealand Maori Council v Attorney-General [1987] 1 NZLR 641.
10	Treaty of Waitangi (State Enterprises) Act 1988.
11	Report of the Waitangi Tribunal on the Orakei Claim (Wai-9) (1987, Department of Justice, Wellington).
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Annex (continued)

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